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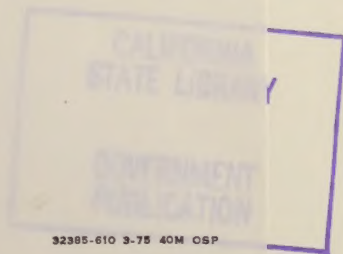
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THE  
JOURNAL OF THE SENATE

DURING THE  
TWENTY-FIRST SESSION

OF THE  
LEGISLATURE OF THE STATE OF CALIFORNIA,

1875-6,

BEGAN ON MONDAY, DECEMBER SIXTH, EIGHTEEN HUNDRED AND SEVENTY-  
FIVE, AND ENDED ON MONDAY, APRIL THIRD, EIGHTEEN  
HUNDRED AND SEVENTY-SIX.



SACRAMENTO:  
STATE PRINTING OFFICE.  
1876.

# JOURNAL OF THE SENATE

TWENTY-FIRST SESSION

LEGISLATURE OF THE STATE OF CALIFORNIA

1872-73

PRINTED BY THE SENATE, AT THE STATE PRINTING OFFICE, SACRAMENTO, CALIF., 1873.



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CALIFORNIA LEGISLATURE-SENATE

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# JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.

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VOL. VI.

PROCEEDINGS OF THE SENATE



# CALIFORNIA LEGISLATURE-SENATE.

## TWENTY-FIRST SESSION.

SENATE CHAMBER,  
Monday, December 6th, 1875. }

The Senate met at twelve o'clock m., pursuant to the requirements of the Constitution of the State of California.

By invitation of the President of the Senate, Rev. J. H. C. Bonte offered a prayer.

The Secretary called the roll of Senators holding over, and the following Senators responded: Messrs. Bartlett, Bush, Eakin, Edgerton, Farley, Fraser, Gibbons, Graves, Hendricks, Laine, Lindsey, Martin, McCune, O'Connor, Roach, Spencer, Turner, and Tuttle.

The newly-elected Senators presented their credentials and took the oath of office, administered by the Hon. T. B. Reardon, Judge of the Fourteenth District Court.

The following are the names of the Senators elect who responded to the roll called by the Secretary: Messrs. J. W. Satterwhite, I. M. Montgomery, Thomas Flint, W. Z. Angney, George H. Rogers, T. McCarthy, J. Craig, Edward Nunan, M. J. Donovan, William M. Pier-son, Frank McCoppin, Robert Howe, James Beazell, Paul Shirley, George S. Evans, Creed Haymond, S. G. Hilborn, R. McGarvey, W. J. Tinnin, E. J. Lewis, and W. McPherson Hill.

Mr. Evans moved that the rules of the Senate of the last session, excepting rule nineteen, be adopted for the temporary use of the Senate.

Mr. O'Connor offered the following amendment:

*Resolved*, That the rules of the last session of the Senate be adopted for the temporary use of the Senate.

Lost.

The original motion prevailed.

At twelve o'clock and thirty minutes p. m., on motion of Mr. Edger-ton, the Senate adjourned until to-morrow at twelve o'clock m.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, December 7th, 1875. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Rev. J. H. C. Bonte.

Journal of yesterday read and approved.

Messrs. Haymond and Craig were granted leave of absence for one day each.

## ELECTION OF OFFICERS.

On motion of Mr. Tinnin the Senate proceeded to the election of officers of the Senate for the present session, in the order enumerated in the Code.

## PRESIDENT PRO TEM.

Mr. Hill nominated the Hon. B. F. Tuttle.

Mr. Edgerton nominated the Hon. G. S. Evans.

The roll was called, with the following result:

*For Tuttle*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Evans, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Laine, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, and Tinnin.

*For Evans*—Messrs. Edgerton, Flint, Fraser, Haymond, Hilborn, Hopkins, Lindsey, Turner, and Tuttle.

Whole number of votes cast	38
Necessary to a choice	20
B. F. Tuttle received	29
George S. Evans received	9

Mr. Tuttle having received a majority of all the votes cast, was declared elected President pro tem. of the Senate.

## SECRETARY OF THE SENATE.

Mr. Graves nominated T. J. Shackleford.

Mr. Edgerton nominated H. H. Russell.

The roll was called, with the following result:

*For Shackleford*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle.

*For Russell*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, and Turner.

Whole number of votes cast	36
Necessary to a choice	19
T. J. Shackleford received	29
H. H. Russell received	7

Mr. Shackleford having received a majority of all the votes cast, was declared elected Secretary of the Senate.

## ASSISTANT SECRETARIES.

Mr. Tuttle nominated E. S. Crawford.

Mr. Beazell nominated F. J. Clark.



Mr. Edgerton nominated J. A. Foster and J. W. Brown.  
The roll was called, resulting as follows:

*For Crawford*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle.

*For Clark*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle.

*For Foster*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, and Turner.

*For Brown*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, and Turner.

Whole number of votes cast.....	35
Necessary to a choice.....	18
E. L. Crawford received.....	28
F. J. Clark received.....	28
J. A. Foster received.....	7
J. W. Brown received.....	7

Mr. Crawford and Mr. Clark each having received a majority of all the votes cast, were declared elected Assistant Secretaries of the Senate.

#### SERGEANT-AT-ARMS.

Mr. McCune nominated James W. Hawkins.

Mr. Turner nominated J. T. Campbell.

The roll was called, with the following result:

*For Hawkins*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Haymond, Hendricks, Hill, Howe, Laine, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle.

*For Campbell*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, Lindsey, and Turner.

Whole number of votes cast.....	37
Necessary to a choice.....	19
J. W. Hawkins received.....	29
J. T. Campbell received.....	8

Mr. Hawkins having received a majority of all the votes cast, was declared elected Sergeant-at-Arms of the Senate.

#### ASSISTANT SERGEANT-AT-ARMS.

Mr. Shirley nominated J. B. Sydnor.

Mr. Turner nominated James Russell.

The roll was called, resulting as follows:

*For Sydnor*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Laine, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle.

*For Russell*—Messrs. Edgerton, Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, Lindsey, and Turner.

Whole number of votes cast.....	36
Necessary to a choice.....	19
J. B. Sydnor received.....	27
James Russell received.....	9

Mr. Sydnor having received a majority of all the votes cast, was declared elected Assistant Sergeant-at-Arms of the Senate.

#### MINUTE CLERK.

Mr. Bush nominated Newton Benedict.

Mr. Hopkins nominated William J. Costigan.

## The roll was called, with the following result:

*For Benedict*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Haymond, Hendricks, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle.

*For Costigan*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, and Turner.

Whole number of votes cast.....	37
Necessary to a choice.....	19
N. Benedict received.....	30
W. J. Costigan received.....	7

Mr. Benedict having received a majority of all the votes cast, was declared elected Minute Clerk of the Senate.

### JOURNAL CLERK.

Mr. Hendricks nominated George B. Cosby.

Mr. Hopkins nominated D. C. Bailey.

The roll was called, resulting as follows:

*For Cosby*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Haymond, Hendricks, Hill, Howe, Lewis, Martin, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle.

*For Bailey*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, Laine, Lindsey, and Turner.

Whole number of votes cast.....	36
Necessary to a choice.....	19
Geo. B. Cosby received.....	27
D. C. Bailey received.....	9

Mr. Cosby having received a majority of all the votes cast, was declared elected Journal Clerk of the Senate.

### ENROLLING CLERK.

Mr. Graves nominated William F. Howell.

Mr. Hopkins nominated J. A. Streffacher.

The roll was called, with the following result:

*For Howell*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle.

*For Streffacher*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, and Turner.

Whole number of votes cast.....	37
Necessary to a choice.....	19
W. H. Howell received.....	29
J. A. Streffacher received.....	7

Mr. Howell having received a majority of all the votes cast, was declared elected Enrolling Clerk of the Senate.

### ENGROSSING CLERK.

Mr. McGarvey nominated P. H. Ryan.

Mr. Hilborn nominated J. C. Clark.

The roll was called, with the following result:

*For Ryan*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Haymond, Hendricks, Hill, Howe, Laine, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle.

*For Clark*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, Lindsey, and Turner.

Whole number of votes cast	37
Necessary to a choice	19
P. H. Ryan received	29
J. C. Clark received	8

Mr. Ryan having received a majority of all the votes cast, was declared elected Engrossing Clerk of the Senate.

#### COPYING CLERKS.

Mr. O'Connor nominated George W. Conaway.

Mr. Tuttle nominated Edward Gallagher.

Mr. Hilborn nominated La Rose Phelps and William Pearson.

The roll was called, resulting as follows:

*For Gallagher*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Hendricks, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Timmin, and Tuttle.

*For Conaway*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Haymond, Hendricks, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Timmin, and Tuttle.

*For Phelps*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, and Turner.

*For Pearson*—Messrs. Edgerton, Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, and Turner.

Whole number of votes cast	37
Necessary to a choice	19
Ed. Gallagher received	28
G. W. Conaway received	29
La Rose Phelps received	7
W. Pearson received	8

Mr. Gallagher and Mr. Conaway each having received a majority of all the votes cast, were declared elected Copying Clerks of the Senate.

#### PORTERS.

Mr. O'Connor nominated Hiram Clock.

Mr. McCarthy nominated James Watson.

Mr. Rogers nominated Edward Duffy.

Mr. Evans nominated William Hill, C. Foster, and W. Robinson.

The roll was called, with the following result:

*For Clock*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Timmin, and Tuttle.

*For Watson*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Laine, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Timmin, and Tuttle.

*For Duffy*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Haymond, Hendricks, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Numan, O'Connor, Roach, Rogers, Satterwhite, Shirley, Timmin, and Tuttle.

*For Hill*—Messrs. Edgerton, Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, and Turner.

*For Foster*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, and Turner.

*For Robinson*—Messrs. Edgerton, Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, Lindsey, and Turner.

Whole number of votes cast	37
Necessary to a choice	19
H. Clock received	29
Jas. Watson received	28
Ed. Duffy received	28
W. Hill received	8
C. Foster received	7
W. Robinson received	9

Hiram Clock, James Watson, and Edward Duffy, each having received a majority of all the votes cast, were declared elected Porters of the Senate.

#### PAGES.

Mr. Nunan nominated W. B. Dolan.

Mr. Howe nominated Hyman Jacobs.

Mr. Farley nominated H. M. Edwards.

Mr. Fraser nominated W. J. Andrews, J. H. Massey, and J. McEvey.

The roll was called, with the following result:

*For Jacobs*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Sharley, Tinnin, and Tuttle.

*For Edwards*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Laine, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Sharley, Tinnin, and Tuttle.

*For Dolan*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Sharley, Tinnin, and Tuttle.

*For Andrews*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, and Turner.

*For Massey*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, Lindsey, and Turner.

*For McEvey*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, and Turner.

Whole number of votes cast.....	36
Necessary to a choice.....	19
H. Jacobs received.....	29
H. M. Edwards received.....	28
W. B. Dolan received.....	29
W. J. Andrews received.....	7
J. H. Massey received.....	8
J. McEvey received.....	7

Hyman Jacobs, H. M. Edwards, and W. P. Dolan, each having received a majority of all the votes cast, were declared elected Pages of the Senate.

#### POSTMASTER.

Mr. Flint nominated George Wolf.

Mr. Lewis nominated J. C. Bernstein.

The roll was called, resulting as follows:

*For Bernstein*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Laine, Lewis, Martin, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle.

*For Wolf*—Messrs. Edgerton, Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, Lindsey, and Turner.

Whole number of votes cast.....	36
Necessary to a choice.....	19
J. C. Bernstein received.....	28
George Wolf received.....	9

J. C. Bernstein having received a majority of all the votes cast, was declared elected Postmaster of the Senate.

#### POST-OFFICE PAGE.

Mr. O'Connor nominated John H. Parsons.

Mr. Flint nominated John McBoyle.

The roll was called, with the following result



*For Parsons*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Haymond, Hendricks, Hill, Howe, Laine, Lewis, Martin, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Shirley, Tinnin, and Tuttle.

*For McBoyle*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, Lindsey, and Turner.

Whole number of votes cast	35
Necessary to a choice	18
J. H. Parsons received	27
J. McBoyle received	8

J. H. Parsons having received a majority of all the votes, was declared elected Post-office Page of the Senate.

#### PAPER-FOLDER.

Mr. Fraser nominated George Ellery.

Mr. McCoppin nominated John M. Kilgarif.

The roll was called, with the following result:

*For Kilgarif*—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Graves, Hendricks, Hill, Howe, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Shirley, Tinnin, and Tuttle.

*For Ellery*—Messrs. Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, Lindsey, and Turner.

Whole number of votes cast	35
Necessary to a choice	18
J. M. Kilgarif received	26
George Ellery received	9

John M. Kilgarif having received a majority of all the votes cast, was declared elected Paper-folder of the Senate.

Mr. Edgerton offered the following resolution:

*Resolved*, That the Secretary of State be requested to furnish each Senator, at his desk, with a copy of the Codes, with the amendments thereto, and of the laws in force.

Adopted.

Mr. Evans moved that a committee of two be appointed by the President to conduct the Hon. B. F. Tuttle, President pro tem. elect, to the President's chair, for the purpose of receiving the oath of office.

Carried.

The President appointed as such committee, Messrs. Evans and Farley.

The committee conducted the President pro tem. elect to the chair, when the oath of office was administered to him by the Hon. William Irwin, President of the Senate.

The President pro tem. (in the chair) made the following remarks:

**SENATORS:** I desire to return you my sincere thanks for the honor you have conferred on me, and I can only promise you to endeavor, to the best of my ability, to discharge the duties of the office impartially. While I am not a speech-maker, I desire to impress upon the minds of the Senators present that the dominant party of this Senate has promised the people that there shall be reform in legislation. So far as I am concerned, I promise you that all my efforts shall be used in that direction. Again thanking you, Senators, for this distinguished honor, I now await your pleasure.

Mr. Martin offered a resolution providing for the appointment of James Saulty as Night Watchman, which, on motion of Mr. O'Connor, was amended to read as follows:

*Resolved*, That James Saulty be elected Night Watchman of the Senate, at a per diem of four dollars, payable out of the appropriation for the contingent expenses of the Senate, payment to date from beginning of session.

Adopted as amended.

The President pro tem. presented a document from the retiring Secretary of State, transmitting a certified abstract of the vote cast at the general State election, held on the first day of September, eighteen hundred and seventy-five, for and against a Convention to revise and change the Constitution of the State, etc.

On motion of Mr. O'Connor, the document was referred to the Judiciary Committee to be appointed.

The President pro tem. presented a communication from the Secretary of State, transmitting papers in reference to the contested election of *Stephens v. Haymond*; also, of *Ward v. Montgomery*.

On motion of Mr. Lewis, the documents were referred to the Committee on Elections, when appointed: in the mean time, to lay on the table.

Mr. Edgerton offered a resolution providing for the appointment of Thomas Hill as Rear Porter, which, on motion of Mr. Lewis, was amended to read as follows:

*Resolved*, That Hank Jones be and he is hereby appointed to act as Rear Porter for the Senate, at a per diem of four dollars, payable out of the appropriation for the contingent expenses of the Senate.

Adopted as amended.

The officers elect of the Senate came forward and received the oath of office, administered by the President of the Senate.

Mr. Laine offered the following resolution:

*Resolved*, That the Secretary of the Senate be directed to inform the Assembly that the Senate is now organized and ready to proceed to business, with the following officers: President pro tem., B. F. Tuttle; Secretary, T. J. Shackleford; Assistant Secretaries, E. L. Crawford and F. J. Clark; Sergeant-at-Arms, J. W. Hawkins; Assistant Sergeant-at-Arms, J. B. Sydnor; Minute Clerk, Newton Benedict; Journal Clerk, George B. Cosby; Enrolling Clerk, W. E. Howell; Engrossing Clerk, P. H. Ryan; Copying Clerks, E. Gallagher and George W. Conaway; Porters, H. Clock, James Watson, and E. Duffy; Pages, H. Jacobs, H. M. Edwards, and W. B. Dolan; Postmaster, J. S. Bernstein; Post-office Page, J. F. Parsons; Paper-folder, J. M. Kilgarif.

Adopted.

At one o'clock and forty-five minutes p. m., on motion of Mr. Lindsey, the Senate adjourned until eleven o'clock a. m. to-morrow.

## IN SENATE.

SENATE CHAMBER.

Wednesday, December 8th, 1875. )

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Bonte.

Journal of yesterday read and approved.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Edgerton—An Act to amend an Act entitled an Act to establish a Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee, when appointed.

By Mr. Haymond—An Act to provide for calling a Convention to revise and change the Constitution of the State of California.

Read first and second times and referred to the Judiciary Committee to be appointed.

By Mr. Laine—An Act to extend the time for the payment of taxes for the fiscal year commencing July the first, A. D. eighteen hundred and seventy-five.

Read first and second times and referred to the Judiciary Committee to be appointed.

By Mr. Hendricks—An Act to amend certain sections of the Political Code, regulating the payment of taxes, and making them delinquent semi-annually.

Read first and second times and referred to the Judiciary Committee to be appointed.

By Mr. Pierson—An Act to provide for a Convention to frame a new Constitution for the State of California.

Read first and second times and referred to the Judiciary Committee to be appointed.

By Mr. Laine—An Act to amend the Political Code of the State of California, concerning the redemption of property sold for taxes.

Read first and second times and referred to the Judiciary Committee to be appointed.

By Mr. Tuttle—An Act to prevent unnecessary changes in the textbooks in use in the public schools.

Read first and second times.

On motion of Mr. Tuttle, the rules were suspended, the bill considered engrossed, and placed on its final passage.

Read third time.

Mr. Edgerton moved to reconsider the vote by which the bill was ordered engrossed.

Lost.

Mr. Evans moved to refer the bill to a special committee, composed of Messrs. Tuttle, Lewis, and Laine, with special instructions to report it to-morrow.

Mr. Martin offered an amendment to extend the time of reporting the bill until day after to-morrow.

Lost.

On the motion of Mr. Evans the ayes and noes were demanded by the requisite number, and the motion prevailed, by the following vote:

AYES—Messrs. Angney, Beazell, Bush, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Hill, Hilborn, Hopkins, Laine, Lindsey, Martin, McGarvey, Montgomery, Pierson, Shirley, Spencer, and Turner—23.

NOES—Messrs. Bartlett, Donovan, Haymond, Hendricks, Howe, Lewis, McCarthy, McCoppin, McCune, Numan, O'Connor, Roach, Rogers, Satterwhite, Tinnin, and Tuttle—16.

By Mr. Tuttle—An Act to amend certain sections of the Political Code, and to repeal a certain section of said Code, all relating to insurance.

Read first and second times and referred to the committee on Corporations to be appointed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Howe offered a concurrent resolution, as follows:

*Resolved, by the Senate, the Assembly concurring.* That both Houses meet in Joint Assembly on Thursday, December ninth, eighteen hundred and seventy-five, at twelve o'clock, noon, in the Assembly Chamber, for the purpose of opening, canvassing, and publishing the vote of the election for Governor and Lieutenant-Governor, held on the first day of September, eighteen hundred and seventy-five.

Rules suspended and the resolution adopted.

Mr. Beazell offered a resolution providing for the appointment of Joseph N. Owen as Door-keeper for the gallery and Porter for the committee rooms.

Referred to the Committee on Contingent Expenses to be appointed.  
By Mr. Fraser:

*Resolved.* That a committee of three be appointed to ascertain and report the amounts due officers of the last Senate, as mileage and per diem, for their services in assisting at the organization of the present Senate.

Adopted.

The Chair appointed as such Committee Messrs. Fraser, Turner, and Bush.

Mr. Roach offered a joint resolution in reference to instructing our Senators and requesting our Representatives in Congress to use their influence to have a reasonable appropriation made for the improvement of Feather, Sacramento, and San Joaquin Rivers.

Read first and second times, ordered printed, and referred to the Committee on Federal Relations to be appointed.

By Mr. Haymond—A resolution appointing Leon Friedman Mail Carrier of the Senate.

On motion of Mr. O'Connor, referred to the Committee on Contingent Expenses, when appointed.

By Mr. Pierson:

*Resolved.* That a committee of three be appointed by the Chair to frame and report the standing rules of the Senate; and, in connection with a like committee of the Assembly, to frame and report the standing joint rules of both Houses of the Legislature.

Adopted.

The Chair appointed Messrs. Pierson, Evans, and Lewis as such committee.

#### NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. McCoppin—Of an Act for the completion of the New City Hall, in San Francisco.

By Mr. Evans—Of an Act to provide for the assessment of incumbered real estate.

Mr. Laine offered a resolution, as follows:

*Resolved.* That the Secretary of State issue stationery to members and officers of the Senate only upon a written requisition, which requisition shall specify the amount and character of stationery required, signed by the member or officer receiving the same; and he is hereby



directed to keep a special and separate account with each, and report to the Senate the amount furnished each member or officer, at such times as the Senate may direct. He is also directed to publish each account in his next biennial report, in such form as to show how much stationery each member or officer drew during the session.

Adopted.

At twelve o'clock and thirty-seven minutes P. M., on motion of Mr. Howe, the Senate took a recess until two o'clock P. M.

#### RE-ASSEMBLED.

At two o'clock P. M. the Senate re-assembled.

President pro tem. in the chair.

Roll called, and a quorum present.

Mr. Rogers offered the following concurrent resolution :

*Resolved by the Senate, the Assembly concurring,* That a committee be appointed, consisting of three members of the Senate and three members of the Assembly, to wait on the Governor and Lieutenant-Governor elect, and ascertain at what time they will be ready for inauguration.

Adopted.

The Chair appointed Messrs. Rogers, Bush, and Laine such committee.

Mr. Farley offered a concurrent resolution, as follows :

*Resolved by the Senate, the Assembly concurring,* That a joint committee of six, three from the Senate and three from the Assembly, be appointed to notify the Governor that the Legislature is now organized and ready to receive any communication he may desire to make to it.

Adopted.

The Chair appointed Messrs. Farley, Lewis, and O'Connor as such committee on the part of the Senate.

Mr. Lewis, by request, made the following report :

MR. PRESIDENT: Your special committee, to whom was referred Senate Bill No. 7—An Act to prevent unnecessary changes in the text-books in use in the public schools—having considered the same, report it back with an amendment, and recommend the adoption of the amendment and the passage of the bill as amended.

TUTTLE, for Committee.

The bill above reported was taken up under a suspension of the rules.

By unanimous consent, the action heretofore taken on engrossment and third reading was reconsidered.

Amendment reported by the committee adopted, considered engrossed, read third time, and passed.

Title amended.

Rules further suspended, and the bill ordered transmitted to the Assembly immediately.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
SACRAMENTO, December 8th, 1875. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, completed its organization by the election of the following officers, and is now ready to proceed to business:

Speaker, G. J. Carpenter; Speaker pro tem., James E. Murphy; Chief Clerk, Robert Ferral;

Assistant Clerks, Wm. M. Ord and Charles W. O'Neil; Sergeant-at-Arms, Dana Perkins; Assistant Sergeant-at-Arms, T. O'Connor; Engrossing Clerk, Charles Gilder; Enrolling Clerk, M. D. Carr; Minute Clerk, J. W. McCarthy; Journal Clerk, J. A. M. Martin; Copying Clerks, J. P. Rodgers and T. C. Morris; Chaplain, Rev. Mr. Pratt; Porters, John Kotod, Wm. Luzz, John Hekey, and H. Whittaker; Pages, Joseph O'Neil, Berrie Worthington, Robert Hood, and Willie Beveridge; Postmaster, S. Dunlap; Post-office, Page, E. J. Roddy; Paper Editor, Frank Moser.

I am also instructed to inform your honorable body that the Assembly awaits the pleasure of the Senate to meet in Joint Convention to open and publish the result of the returns for Governor and Lieutenant-Governor.

ROBERT FERRAL, Chief Clerk.

ASSEMBLY CHAMBER,

SACRAMENTO, December 8th, 1875.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in and adopted Senate Joint Resolution No. 1—To receive a vote for Governor and Lieutenant-Governor.

WM. M. ORD, Assistant Clerk.

At two o'clock and fifty minutes P. M., on motion of Mr. Lewis, the Senate took a recess for ten minutes.

RE-ASSEMBLED.

At three o'clock P. M. the Senate re-assembled.

President pro tem. in the chair.

Roll called, and a quorum present.

Mr. Farley, for the committee appointed to wait upon the Governor to inform him of the organization of the Legislature, verbally reported that the committee had performed their duty, and were informed by the Governor that he would immediately transmit to the Senate his biennial message, with other documents.

Mr. McCarthy offered a resolution which, on motion, was amended to read as follows:

*Resolved*, That the Sergeant-at-Arms be and he is hereby allowed a clerk at a per diem of six dollars, to be paid out of the appropriation for the contingent expenses of the Senate.

Rules suspended and the resolution adopted.

#### GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, December, 1875.

*To the Senate of the State of California:*

I herewith transmit to your honorable body my biennial message, with accompanying documents. As there is but one copy of some of these documents, I respectfully ask that the Assembly be informed of their receipt.

R. PACHECO, Governor.

Five hundred copies of the biennial message of the Governor were ordered printed.

[For biennial message of Governor Pacheco see Senate Appendix.]

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, December, 1875.

*To the Senate of the State of California:*

I herewith transmit to your honorable body, in accordance with law, the report of the Board of Examiners on claims against the State, the settlement of which is not otherwise provided by law. There being but one copy of the report, I respectfully ask that the Assembly be informed of its receipt.

R. PACHECO, Governor.

The report above mentioned was laid on the table temporarily.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, December, 1875.

*To the Senate of the State of California:*

I herewith transmit to your honorable body a list of claims allowed by the Board of Examiners, the vouchers for which are on file in their office, awaiting an appropriation before being transmitted to the Controller. These claims have been allowed in accordance with the provisions of section six hundred and sixty three, Political Code. There being but one copy of the claims, I respectfully ask that the Assembly be informed of their receipt.

R. PACHECO, Governor.

José F. Godoy—Transcribing into Spanish the laws of the twentieth session of the Legislature of California, and the amendments to the Codes.....	\$2,463 04
Interest at ten per cent. per year for six months.....	123 15
	<hr/> \$2,586 19

This work was performed by Godoy by direction of the Legislature at its last session. A failure to make an appropriation to pay for the same has caused the translator to wait several months for his remuneration. In view of this error on the part of the Legislature, the Board of Examiners recommend that six months interest be added thereto.

E. O. F. Hastings—For listing of lands.....	\$1,344 98
A. L. Bancroft & Co.—Supplying three hundred volumes each of volumes forty-seven and forty-eight, California Supreme Court Reports.....	\$1,800 00
Interest for eighteen months.....	135 00
	<hr/> \$1,935 00

The Act authorizing this expenditure will be found in the "Amendments to the Codes," page sixty-eight. The Legislature failed, however, to make any appropriation for the payment of the reports.

R. PACHECO,  
DRURY MELONE,  
JOHN L. LOVE,  
Board of Examiners.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, December, 1875.

*To the Senate of the State of California:*

I have the honor to inform your honorable body that since the adjournment of the twentieth session of the Legislature the following official appointments were made by my predecessor, Newton Booth, and their confirmation is respectfully asked. Also, I have the honor to inform your honorable body that I have made the following official appointments, and respectfully ask their confirmation.

R. PACHECO, Governor.

On motion of Mr. Lewis, further reading of the message was dispensed with, and action on the appointments made a special order for Wednesday, December fifteenth, at twelve o'clock M.

Mr. Rogers, for the select committee appointed for that purpose, verbally reported that the committee had performed its duty, and the Governor and Lieutenant-Governor elect expressed their readiness to be inaugurated to-morrow at twelve o'clock M.

At three o'clock and ten minutes P. M., on motion of Mr. Lewis, the Senate adjourned until to-morrow at half-past ten o'clock A. M.

## IN SENATE.

SENATE CHAMBER,  
Thursday, December 9th, 1875. }

Senate met pursuant to adjournment.  
President pro tem. in the chair.  
Roll called, and a quorum present.  
Prayer by the Rev. Mr. Bonte.  
Journal of yesterday read and approved.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
SACRAMENTO, December, 1875. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body a statement of the amounts expended out of the appropriation for Special Contingent Fund of the Governor's office:

Appropriation for twenty-fifth fiscal year .....	\$2,500 00
Amount expended by me .....	950 00
Appropriation for twenty-sixth fiscal year .....	2,500 00
Amount expended by me .....	900 00
Appropriation for twenty-seventh fiscal year .....	2,500 00
Amount expended by me .....	550 00

R. PACHECO, Governor.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.  
SACRAMENTO, December 8th, 1875. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Joint Resolution No. 2—Relative to appointing a committee to wait on the Governor and Lieutenant-Governor elect. Also, that the following have been appointed a committee on the part of the Assembly under the above resolution, to wit: Messrs. Clarken, Wilcox, and McKenna.

Also, adopted Senate Joint Resolution No. 4—Relative to a committee to wait on the Governor and inform him of the organization of the Legislature. Also, that Messrs. Archer, Clume, and Crutcher, have been appointed as a committee on the part of the Assembly, in accordance with the last-named resolution.

C. W. O'NEIL, Assistant Clerk.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Lindsey—An Act to provide for a system of irrigation in the Counties of Fresno, Tulare, and Kern.

Read first and second times, referred to the Committee on Irrigation to be appointed, and ordered printed.

[Mr. Lewis in the chair.]

By Mr. McGarvey—An Act to amend the Political Code respecting the collection of taxes.

By Mr. Bartlett—An Act to amend section three hundred and five of the Civil Code, relating to corporations.

Bills read first and second times and referred to the Judiciary Committee to be appointed.

By Mr. Tuttle—An Act to amend certain sections of the Civil Code, and to add certain new sections to said Code, all relating to insurance.

Also, an Act to repeal an Act to regulate the forfeiture of policies of life insurance, approved February second, eighteen hundred and seventy-two.

Also, an Act to repeal an Act entitled an Act to provide for official valuation of life insurance policies, approved April fourth, eighteen hundred and seventy, approved February thirteenth, eighteen hundred and seventy-two.

Bills read first and second times and referred to the Committee on Corporations to be appointed.

By Mr. Howe—An Act to amend article nine of chapter six of the Political Code.

Read first and second times and referred to the Committee on Commerce and Navigation to be appointed.

By Mr. McGarvey—An Act to amend section four thousand three hundred and twenty-nine of the Political Code.

Read first and second times and referred to the Judiciary Committee to be appointed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. O'Connor offered a resolution as follows:

*Resolved by the Senate, the Assembly concurring,* That a special committee of three on the part of the Senate, and four on the part of the Assembly, be appointed to take charge of the ceremonies attending the inauguration of Governor and Lieutenant-Governor.

Adopted, and the Chair appointed Messrs. O'Connor, McCoppin, and Evans, as such committee, on the part of the Senate.

By Mr. Satterwhite:

*Resolved,* That the Sergeant-at-Arms be and he is hereby empowered to appoint a Mail Carrier, at a per diem of four dollars, to be paid out of the appropriation for the contingent expenses of the Senate.

Referred to the Committee on Contingent Expenses of the Senate to be appointed.

By Mr. Pierson:

*Resolved,* That the Sergeant-at-Arms be directed to furnish each Senator, the Lieutenant-Governor, and Secretary of the Senate, with six daily newspapers published in this State, or their equivalent in weeklies, and fifteen dollars worth of postage stamps, payable out of the appropriation for the contingent expenses of the Senate.

By Mr. O'Connor:

*Resolved,* That the Rev. E. H. Ward be invited to officiate as Chaplain of the Senate, at a per diem of five dollars, to be paid out of the appropriation for the contingent expenses of the Senate.

The resolutions were each referred to the Committee on Contingent Expenses to be appointed.

By Mr. O'Connor:

*Resolved,* That the President of the Senate be and he is hereby empowered to appoint a Page, whose duty it shall be to attend to, and at the desk of, the presiding officer, said Page to receive for his services a per diem of three dollars, payable out of the appropriation for the contingent expenses of the Senate.

Adopted under a suspension of the rules.



## NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Donovan—Of an Act to reorganize the State Board of Education, the Board of Regents of the State University, and for furnishing text-books in the public schools free.

By Mr. Farley—Of an Act regulating fees and salaries in the County of Amador.

By Mr. Howe—Of an Act to abolish the State Marine Board.

Mr. Bartlett, by leave, presented a preamble and resolutions, adopted by the Chamber of Commerce of San Francisco, relative to the establishing of a training-ship, or nautical school, in the Port of San Francisco.

Received and referred to the San Francisco delegation.

Mr. Roach, by leave, presented a petition from merchants and shippers of the City of San Francisco, praying this Legislature to adopt a certain Act in reference to fitting out the sloop-of-war James-town for service as a training-ship in the Harbor of San Francisco.

Received and referred to the San Francisco delegation.

Mr. Bartlett gave notice that he would, at some future time, introduce an Act in reference to the same subject.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.  
SACRAMENTO, December 9th, 1875.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Joint Resolution No. 1—Relative to a Joint Convention to canvass the vote for Governor and Lieutenant Governor.

Also, read first and second times, and passed under a suspension of the rules, Senate Bill No. 7—An Act to prevent unnecessary changes in the text-books of the public schools.

ROBT. FERRAL, Clerk.

The Senate concurred in the Assembly joint resolution above reported.

Mr. Tuttle offered a concurrent resolution, as follows:

*Resolved by the Senate, the Assembly concurring,* That the two Houses meet in the Assembly Chamber at eleven o'clock and thirty minutes A. M., this day, for the purpose of opening, canvassing, and publishing the vote for Governor and Lieutenant-Governor.

Adopted.

Mr. Lindsey offered a resolution, as follows:

*Resolved,* That a committee of three be appointed to ascertain whether there are a sufficient number of rooms in this building for the use of all the standing committees of this Senate, and to designate the particular room to be occupied by each committee.

Adopted.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.  
SACRAMENTO, December 9th, 1875.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in and adopted Senate Joint Resolution No. 6—fixing time for Joint Convention.

R. FERRAL, Chief Clerk.

At eleven o'clock and twenty-five minutes A. M., the Senate proceeded to meet the Assembly in Joint Convention, for the purpose of opening and declaring the vote for Governor and Lieutenant-Governor.

#### IN JOINT CONVENTION.

Proceedings in Joint Convention to open, canvass, and declare the returns of the last general election for Governor and Lieutenant-Governor:

The Joint Convention was called to order by B. F. Tuttle, President pro tem. of the Senate, in conjunction with G. J. Carpenter, Speaker of the Assembly.

The rolls of the Senate and Assembly were called by the Secretary of the Senate and Chief Clerk of the Assembly, and the following Senators and Assemblymen were present:

*Senators*—Angney, Bartlett, Benzell, Bush, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, H. Horn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nye, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Thurn, Turner, and Tuttle—40.

*Assemblymen*—Abbott, Archer, Bagge, Barber, Berry, Biggs, Binnex, Blackwell, Blue, Broadland, Broderick, Burbank, Carter, Carson, Chapman, Clark, Clackson, Coffey, Collins, Connwell, Covington, Clunie, Crutcher, Dixon, Dundap, Fernal, Gametson, Gelwicks, Giffin, Griswold, Hart, Harris, Harding, Hayne, Hinshaw, Jannison, Jenkins, Jones, Jordan, Kennedy, Kertz, Lamhour, Lammers, Maguire, McConnell, McInerney, McMan, McClathy, McKenna, Murphy of Del Norte and Klamath, Murphy of San Francisco, Nott, O'Connell, Ostrom, Patterson of Sacramento, Patterson of Kern and Tulare, Patterson of San Joaquin, Pierce, Preston, Pullen, Quigley, Rankin, Rausch, Reddick, Rice, Roberts, Ruggles, Sargent, Samuels, Servaer, Sullivan, Sverkrup, Swan, Watkins, Wetherill, Wilcox, Wood, Young, and Mr. Speaker—79.

The Secretary of the Senate read the concurrent resolution under which the Joint Convention convened.

The President pro tem. of the Senate appointed as Tellers, on the part of the Senate, Messrs. Lewis and Evans.

The Speaker of the Assembly appointed Messrs. Clark and Coffey, Tellers on the part of the Assembly.

#### REPORT.

Mr. Lewis made the following report:

MR. PRESIDENT: The Tellers appointed by the Joint Convention to canvass the vote cast at the last general election held September first, eighteen hundred and seventy-five, for Governor and Lieutenant-Governor, report as follows:

FOR GOVERNOR.	
William Irwin	61,509
T. G. Phelps	31,322
John Bidwell	29,752
W. G. Lovett	356

Whole number of votes cast for Governor..... 122,939

FOR LIEUTENANT-GOVERNOR.	
James A. Johnson	58,424
J. M. Cavis	30,932
R. Pacheco	33,385
W. B. Hobson	242

Whole number of votes cast for Lieutenant-Governor..... 122,933

E. J. LEWIS,  
GEORGE S. EVANS, } Tellers of Senate.

JAMES N. COFFEY,  
JONATHAN CLARK, } Tellers of Assembly.

The Speaker thereupon declared the result, as certified by the Secretary of State and Tellers of the Convention, to be: Total number of votes cast for Governor, one hundred and twenty-two thousand nine hundred and thirty-nine, and that William Irwin, having received a majority of all the votes cast, was duly elected Governor of the State of California for the ensuing four years; and that James A. Johnson, having received a plurality of all the votes cast, was duly elected Lieutenant-Governor for the State of California for the ensuing four years, according to the Constitution and laws of this State.

The proceedings in Joint Convention were read and approved.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Edgerton, the Joint Convention adjourned.

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#### IN SENATE.

At twelve o'clock and twenty-two minutes P. M., the Senate re-assembled.

President pro tem. in the chair.

Roll called, and a quorum present.

Mr. Haymond offered the following concurrent resolution:

*Resolved by the Senate, the Assembly concurring, That both Houses meet in Joint Convention at one o'clock and twenty minutes P. M., to-day, to be present when the oath of office is administered to the Governor and Lieutenant-Governor elect.*

The resolution was adopted, transmitted to the Assembly, and returned to the Senate concurred in.

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#### IN JOINT CONVENTION.

The Joint Convention was called to order by the President pro tem. of the Senate, in conjunction with the Speaker pro tem. of the Assembly.

The rolls of the Senate and Assembly were called by the Secretary and Chief Clerk.

Quorum present.

The Secretary of the Senate read the Senate concurrent resolution authorizing the Joint Convention.

Mr. Rogers moved that the oath of office be administered to the Governor and Lieutenant-Governor elect in the Assembly Chamber.

Carried.

The Committee on Inauguration, after announcing the readiness of the Governor and Lieutenant-Governor elect to take the oath of office, escorted them to the Speaker's desk, where they each took and subscribed to the oath of office, as administered by the Hon. A. M. Roseborough, Judge of the Ninth Judicial District.

At one o'clock and fifty minutes P. M., on motion of Mr. Farley, the Joint Convention took a recess until after the inaugural ceremonies in front of the Capitol.

## RE-ASSEMBLED.

At three o'clock and fifteen minutes p. m., the Joint Convention re-assembled.

President pro tem. of the Senate and Speaker of the Assembly presiding.

Rolls called, and a quorum present.

On motion of Mr. O'Connor, the reading of the proceedings in Joint Convention was dispensed with, the same to be considered approved when signed by the presiding officer of each House.

At three o'clock and twenty-three minutes p. m., on motion of Mr. Lewis, the Joint Convention adjourned *sine die*.

## IN SENATE.

At three o'clock and twenty-seven minutes, the Senate re-assembled. President pro tem. in the chair.

Roll called, and a quorum present.

Mr. Rogers moved that a committee of two be appointed by the Chair to wait upon the President of the Senate and conduct him to the chair.

Carried.

Messrs. Rogers and Laine were appointed such committee.

The committee presented Lieutenant-Governor Johnson to the President pro tem., who, in turn, introduced him to the Senate as the future presiding officer.

The President (in the chair) spoke as follows:

SENATORS: It is customary, upon the Lieutenant-Governor's introduction to his seat, for him to make some remarks to the Senate. This I had intended to do in the ordinary way, but not expecting to be called to the chair to-day I had not written out my remarks, as I intended to do, as I believe they are always spread upon the journal. Thus I will have to do hereafter, or else my remarks cannot be placed on the journal.

Senators, it is through the partiality of the people that we are permitted to assemble here as one of the branches of the legislative department of the State. I hope and believe that you will have the wisdom to devise the ways to carry out and redeem the pledges made by you in the several platforms upon which you were elected. If you do this, you will earn not only a continuance of the confidence reposed in you by the people, but the gratitude of your fellow-citizens. I have no fears but what you will be able to do all that we have promised. Senators, those of you who belong to my party, recollect that your honor, the good faith of our party, the perpetuation of the Democratic party in power in this State, will depend on your keeping faith with the people, and your acting upon your pledges to the letter. If you do this, if you redeem every pledge in the platforms upon which we were elected, then it is absolutely certain that, no difference what other misfortunes may befall us, the State of California, at least, will be saved to our cause. Recollect, that we pretend to believe that the welfare of the people depends solely and entirely upon the success of the principles of our party. Senators, it is of the gravest importance that this State be saved to our cause. Recollect, unless the signs of the times are false, unless the fulminations of the President of the United States go for naught, that we have to grapple with an enemy in the struggle for the reins of government that must come off next year—an enemy more terrible than we have ever had to contend with in any national struggle in the history of our country. We next year fight with a party for the reins of government, contending not only for the perpetuation of its own place and power—moved not only by this desire common to the whole American people, for place and power—but a party striving by all the worst passions known to the human mind, those passions that are engendered by politico-religious struggles. Senators, this being the case, all see how important it is to us, and to all the country, that we redeem our pledges made to the people, and save this State to our great cause. Senators, the man who will make pledges to the people for the purpose of obtaining their support and their votes for place and position, and who will not redeem those pledges, is not a fit citizen to be elevated to the distinguished position of Senator in the Legislature of California. I have no fears that any such Senators are upon this floor. I believe it to be the sincere desire of every Senator occupying a seat here, who has been elected this year upon the platform



of the Democratic party, that a proper freight and fare bill should be passed, that a proper irrigation scheme should be devised, that the school fund should be cared for, and that everything mentioned in our platform, to which we are pledged, should be carried out.

As for myself, Senators, I have been called here by the same people who sent you. Through their kindness and partiality I have been elevated to this distinguished position of President of the Senate of the State of California. I am deeply grateful to the people for the honor they have conferred upon me, but, at the same time, I feel somewhat oppressed by a sense of my unfitness for the position. Senators, I will have to ask you, until I am familiarized and more learned in the duties of my office, to bear with me charitably and to support me. I know but little about the duties of the chair. I shall have to learn, and crave your indulgence at first. I shall attempt to treat each and every one alike, with entire fairness. I shall show no favoritism between the friends I have upon this floor, and there is no Senator here whose friendship I do not claim. I shall treat all with entire fairness, so far as I am able to discern the right from the wrong, and to enforce the rules of the Senate. I shall protect the minority in all cases by the fair and equal administration of the rules of this body. Again asking you for your support and indulgence, having taken and subscribed to the constitutional oath, I have nothing more to say. I receive the badge of my office, and await the pleasure of the Senate.

Mr. Tinnin offered the following resolution :

*Resolved*, That a temporary committee of three be appointed by the Chair for the purpose of enrolling Senate Bill No. 7.

On motion of Mr. O'Connor, the rules were suspended and the resolution adopted.

The President appointed as such committee Messrs. Tinnin, Lewis, and O'Connor.

At three o'clock and fifty minutes P. M., on motion of Mr. McGarvey, the Senate adjourned until to-morrow, at eleven o'clock A. M.

## INAUGURAL ADDRESS OF GOVERNOR IRWIN.

FELLOW CITIZENS: In pursuance of a custom, which has now acquired the force of law, I appear before you to outline the policy which I shall attempt to exemplify in the administration of the public trust confided to me.

And first of all, it is fit that I make due acknowledgment for the confidence which the people of this great commonwealth expressed at the late election in my ability, integrity, and devotion to the public interests. It was an indorsement of which I might justly have felt proud, if my claims to public confidence had been much better founded than they were. And while I am sincerely grateful for the evidences of appreciation so liberally bestowed on me, I am not unmindful that the public confidence of which I have been made the recipient, has brought with it corresponding duties.

It has passed into an adage that "Republics are ungrateful." The treatment sometimes received by those who have rendered distinguished public services, at the hands of their fellow citizens, seems to authorize and justify the aphorism. But, however this may be, I do not believe the people are ever really ungrateful to those who have established a title to gratitude, by reason of valuable services to the public. But the people cannot always afford to evince their gratitude for distinguished public services by rewarding those who have rendered them, with public office. The citizen when he votes—when he discharges that highest and most sacred of all his political duties—must, if he have a just appreciation of the functions of the ballot, be more influenced in casting his vote by considerations touch-

ing what the candidates respectively will do, if elected, than by what they have already done. The political act of voting, while it may not wholly ignore the past, has special reference to the future. The patriot will not sacrifice the future of his country; not even to reward one who has served it in the past. Happy is he, if while discharging his duty to his country, he can, by the same act, discharge a debt of gratitude to one who has already rendered that country distinguished or valuable services. But, if in the exercise of the political right of voting, he is presented with the alternative of choosing between the preservation of the institutions of his country, or the advancement of its happiness and prosperity, on the one hand, and the discharge of a debt of gratitude, to even a public benefactor, on the other, he cannot hesitate on which side to cast his ballot. The obligations which patriotism imposes, and which are political in their character, and relate to the whole future of a country, are superior to those due for services already rendered, however distinguished or valuable such services may have been. And citizens generally no doubt take this view of their duty, and, as a rule, conform their political action to it.

This brings me to remark that I interpret the action of the people at the polls not so much as an unqualified indorsement of my past public life, nor as an expression of gratitude for anything I had done, as a declaration of confidence in my ability and disposition to conduct with prudence, economy, and safety, the affairs of the State, while they shall be under my charge. This confidence, so generously reposed in me, admonishes me that I may not lightly regard the hopes and expectations, so anxiously entertained, of the administration this day inaugurated. I can only promise that nothing which honest purpose and earnest, persevering effort on my part can do, to give the State a wise, efficient, and economical administration, will be left undone.

#### CONSTITUTIONAL LIMITATIONS.

The tendency of political thought at this time, and I may add also, of general public sentiment, is toward increased restrictions on legislative power. This is due largely, no doubt, to the experience of many, if not most, of the States, particularly in later years, which has demonstrated the desirableness, if not absolute necessity, of such increased restrictions. It may sometimes happen, indeed, that injudicious restrictions on legislative discretion will work injury to the public interests. A striking example, in which this has been the case, is found in the practical workings of that clause of our Constitution which requires Assessors and Collectors to be elected by the qualified electors of the districts in which they are to assess and collect. This clause, by its rigid, inflexible requirement on the subject of the constituency of Assessors and Collectors, has caused an otherwise unnecessary multiplication of public officers, and has greatly added to the expenses of government. But the malign influence of this particular restriction has shown itself most conspicuously in introducing and perpetuating the giant evil of unequal assessments of property. Reason would suggest that if the revenue for the support of the State Government is to be derived from a tax on property, the taxation should be equal and uniform throughout the State. This is, also, the rule of the Constitution. Singularly enough, however, the Constitution, after adopting this sound and rational rule of taxation, in devising the

ments of carrying the rule into execution, but upon the precise plan which above all others was certain to secure its defeat. Assessors are charged with the duty of estimating the value of the property of their constituents for purposes of taxation, and the Legislature is prohibited from creating any tribunal with powers to correct the aberrations of or misuses of these local officers. Surely at least, I understand to be the scope of the decisions of the Courts on the assumed power of the State Board of Equalization to change assessments made by County Assessors. If I may be permitted to say it, while the Constitution very properly fixed the rule of taxation, it should have left the mode of carrying the rule into execution to the discretion of the Legislature. And I know of no other amendment to my Constitution so much needed, as one from which such negligible and substantial touches would result as one committing the mode of assessing property and collecting taxes to legislative discretion.

#### RESTRICTIONS ON THE POWER TO CREATE DEBTS

Though the excellent restriction on legislative power has worked to the advantage of the public interests, it may be confidently assumed that as a rule, restrictions on legislative power, particularly on the power of Legislatures to create debt, have been prejudicial to the public welfare. In this way, by the history of our own State, who will question the historical effect of this clause in our Constitution which forbids the creation of a State debt of more than hundred thousand dollars? Or of two other sections which forbid the credit of the State to be given or loaned to any individual, association, or corporation, or the State to become a stockholder in any association or corporation?

Debt is the bane of modern States. It hangs like a millstone about the neck of all civilized peoples. It compasses the following losses or pains and want to governments, the creation of debt, first of all, is against its purpose. The money kings have their continuous influence on the real and personal property within the governments in which their hand made loans, but on the other hand, against the people as well. This is the language of debt: it obscures from public vision, long generations to generations.

Now, when I will not question the right of our government to appropriate or expend its property—its surplus earnings as it shall choose, I long to ask by what authority it attempts to encumber the inheritance of its successors, the kind which could have given us the permanent benefit of all governments, with mortgages by the money kings? And still more so, I desire to know, when the government obtains the right to appropriate the loan and transfer the mortgage, expenditure will, better of governments put debts—then it was even the luxury of spending money, which is law and morals.

Who will authorize the state to perpetuate the bad mortgages of our fathers and mothers? Should we be required to pay the principal interest on the debt we would be to, by this time created, but for this preliminary clause of our Constitution?

But in the thoughtful student there is something almost ready to be sent off high to the sky, when he thinks, while he thinks the Legislature to create a State debt or more than three hundred thousand dollars, allows it to create money and mortgage debts, under

ured only by the ability of the counties and municipalities to obtain credit; the counties and municipalities being but fractional parts of the State, organized solely for the convenience of local government. On this subject, however, we are not left to the voice of logic alone. Our own history speaks. While the present healthy condition of our State finances is the highest possible indorsement of the wisdom which placed a limit to the State debt which the Legislature might create, the bankrupt condition of some of the counties, which were once wealthy and prosperous, and the embarrassed condition of many others, demonstrate, beyond all controversy, that the Constitution ought to have gone further, and placed a limit also to the indebtedness which counties and cities might create. In the absence, however, of any constitutional prohibition, the Legislature should resolutely refuse all authority to counties and cities to create debt beyond a certain fixed, but small, percentage of their assessment rolls.

BENEFICIAL EFFECTS OF THE INHIBITION ON THE STATE TO LOAN ITS CREDIT OR TO BECOME A STOCKHOLDER IN CORPORATIONS.

Just how much the people of the State have been saved by that clause in the Constitution which forbids the State to give or loan its credit to individuals, associations, or corporations, or to become a stockholder in associations or corporations, we shall never know. But when we observe what counties and municipalities, on which no such restriction was imposed, have done in the way of giving and loaning their credit to corporations, and in becoming stockholders in corporations, we have, I think, cause for congratulation that the State was not left, in this matter, to the tender mercies of legislative discretion, but had thrown over it, for its protection, theegis of a constitutional restriction on legislative power.

But here again the Constitution seems, at least, illogical, in imposing the restriction on the State and not on the counties and cities. Is there any reason for the prohibition in the case of the State which would not apply with equal force in the case of a county or city? Why was the State forbidden to give or loan its credit to corporations, or to become a stockholder in corporations? Was it because, if it possessed this power, it would be liable to make an injudicious use of it? To give its credit to improper objects, or loan it on insufficient securities? Or to assume liabilities which might involve it in bankruptcy? There can be no question that the State, if it possessed the power to give or loan its credit to corporations or to become a stockholder in corporations, would be constantly exposed to all these dangers. But can there be even a pretext for believing that the counties and cities, possessing such a power, are not equally exposed to the same dangers?

But the apprehension that the State would make an injudicious use of this power, if permitted to exercise it, may not have been the chief motive for the incorporation of the prohibition in the Constitution. It could be plausibly argued, at least, that such a power, judiciously exercised, would be productive of great public good. What then was the probable motive for the introduction into the Constitution of a positive and absolute prohibition, forbidding the State, under any possible or conceivable circumstances, to give or loan its credit to the extent of a farthing to any individual, association, or corporation, or



to become a stockholder in any association or corporation? What could it have been but a profound conviction that such use of a State's credit was no part of the legitimate business of government? Such gift or loan of the credit of the State, or the purchase by the State of stock in a corporation, would be a perversion of the powers of a political corporation, organized for the purposes of government, to mere private business ends. It may well be doubted whether a government can ever legitimately and justly use its powers for such purposes. But if this was the motive which induced the inhibition on the State to make such use of its credit, it should have caused a like inhibition also on the counties and cities, for they, equally with the State, are political corporations, organized for the purposes of government, and endowed with governmental, not business functions.

#### THE RELATION OF GOVERNMENT TO RAILROADS.

It will hardly be questioned, theoretically at least, that government ought to restrict its powers to purely governmental purposes. But when this is conceded it will not be easy always to draw the precise line of demarcation between the proper domain of governmental power and the rightful territory of private enterprise. And there are functions, vastly important to the public, about which there is a grave question as to whether they should be discharged by government or surrendered to private capital and private enterprise. The construction of railroads, for the accommodation of the public, is one of these functions. Is the construction of railroads a part of the legitimate business of government? Is it a governmental function to provide the public with highways?

Railroads sustain to the public about the same relation, and perform about the same office now, that ordinary wagon roads did during the pre-railroad era. As the ordinary wagon road was then, so the railroad is now, the highway of inland commerce. It was not questioned then that it was a legitimate function of the government, and even an imperative duty, to open and maintain highways for the accommodation of the public. And this duty is still recognized wherever the public necessities require only the ordinary wagon road. It is not quite clear, on just what grounds the government can be released from the duty of providing the public with highways, when the public necessities demand that these highways shall be railways, instead of ordinary wagon roads. Is it any less the duty of the State to provide railways now, where they are required, than it was to provide ordinary roads before railroads were invented? Or than it is now to provide ordinary roads where they are required? Or, again, has the State lost any of its rights over the highway in consequence of the highway becoming a railway, which it had and exercised when the highway was the ordinary wagon road?

#### THE RELATION OF RAILWAY CORPORATIONS TO THE STATE.

As a matter of fact, the railroads in this country are built by corporations. But what is, or rather, what should be, the relation of these corporations to the State? Are they not in fact, and should they not in contemplation of law be held to be, agents of the government, charged with the performance of a duty to the public,

which the government itself owes? And is it not precisely because they are agents of the government, engaged in services which the government is bound to perform in behalf of the public, that the government clothes them with the power of eminent domain? And still more, on what other hypothesis could the exercise of the taxing power in their behalf, which we have seen, be justified?

If this is the correct view of the relation of these corporations to the government, what are some of the resulting rights of the government over the corporations, and duties of the government to the public? It would seem clear that the government must possess the right to require the corporations to operate their roads in the public interests. I do not mean to assert that the corporations, or perhaps more correctly, the persons who own the stock of the corporations, have not property rights in the roads which the government is both legally and morally bound to protect. The person, also, who holds a public office, has rights which the government is morally bound, at least, to respect. But the public welfare is the inducement to, and the sole justification of, the establishment and maintenance of the office. And the government is bound to see that the office is conducted primarily to promote the public welfare; not to improve the fortune or better the social condition of the incumbent. In like manner, the inducement to, and the justification of, the construction of railroads are the demands of the public interests. It is only because the public interests demand railroads that the government is justified in conferring on the corporations the power necessary for their construction. The interests of the corporations are subordinate to the public welfare. And the relations of the government to the public place it under the highest conceivable obligations to compel the corporations to maintain and conduct their roads *primarily* in the public interest, not for the enrichment of the stockholders. The public necessities and the public convenience must have precedence of the private interests, represented by the corporations. Such I understand to be the relation of the government to the railroads; and the duty of the government, growing out of that relation, to require them to be conducted in the public interest.

As already stated, I do not deny that corporations which construct and maintain railways, have property rights in their roads which the State is bound, both morally and legally, to protect. I do not suppose, however, that the duty of protection, which the State owes to the property rights of railroad corporations, is incompatible with that other duty which the State owes to the public—of requiring the corporations to operate their roads for the public welfare. The two duties are co-existent, and the government cannot, without recreancy to its high trusts, ignore or disregard either.

I am not unaware that those interested in the stock and bonds of railroads deny the right of the State to fix the rates which the corporations may charge for their services. This denial is based on the assumption that railroad charters are contracts, and that to fix rates any lower than those prescribed by law at the time of the granting of the charters would be a violation of the contracts. However valid this argument may be, when applied to charters granted without the right being reserved to alter their terms, I think it wholly inapplicable to corporations formed under the laws of this State; for the Con-

stitution of the State expressly reserves to the Legislature the right to alter, from time to time, or to repeal, all corporation laws. This reservation of power enters as an element into every railroad charter, and takes it from the category of contracts, protected by the Constitution of the United States. At least, I hold such to be its effect, and shall continue to do so, till the tribunal of last resort shall decide otherwise.

Assuming then, as I do, that the State has the power, and that it is her duty, to require railway corporations to operate their roads for the public welfare, in what manner shall she exercise this power, and discharge this duty? It may be asserted, in general terms, that the State must prevent extortion, oppression, and unjust discriminations by railroad corporations, and must compel such corporations to carry passengers and freight over their roads at reasonable rates. I am aware, however, that to determine what reasonable rates are, is a problem full of practical difficulties. Without attempting to fix the exact limit of the legal power which the State may exert in regulating the rates of fares and freights on railroads, it would seem clear that she has not the moral right to require the companies to carry at rates which would not yield a reasonable interest on the capital invested. On moral grounds, at least, those who invest their capital in the construction of railways are as much entitled to a reasonable return on their investment as are those who invest in other enterprises. But, while this is conceded to the fullest extent, it must be borne in mind, on the other hand, that the State is equally bound to protect the public against the injustice and oppression of rates which would yield excessive returns on the capital invested.

Those, on the one hand, who have their capital invested in the roads, and the general public, who must pay for the service which the roads perform, both have their rights. To adjust a schedule of fares and freights which will do equal and exact justice to both parties is a task that will tax, to the utmost, the ability, the intelligence, and the impartiality of the Legislature. But difficult and laborious as the work will be, the Legislature may not shrink from the responsibility of providing the public with all necessary protection against oppression, present or prospective, from the railway corporations, while the corporations are left in the enjoyment of all their just rights and privileges.

Having stated that, in my opinion, the State has the power, and that it is her duty, to supervise the railroads, I now venture to suggest the creation of a Commission to assist in this work. I am quite aware that no legislative power could be delegated to a Commission. A Commission, however, could be clothed with power to correct abuses by compelling the corporations to obey the laws already on the statute book. It could, also, be charged with the duty of collecting such statistical and other information as must precede and become the basis of intelligent legislation on railroad matters. In addition, it could be given such other powers, and be charged with such other duties, as the experience of other States, which have Boards of Railroad Commissioners, has shown to be desirable or necessary.

#### IRRIGATION.

Another subject which now occupies a large share of public attention, and in which the people in some sections of the State are

vitaly interested, is that of irrigation. It is probably the most important, and at the same time the most difficult, problem with which the Legislature will have to deal at the present session. In fact, it would be difficult to overstate the importance of irrigation, or to magnify the difficulties that must be encountered in obtaining it. I should deem it a work of supererogation to attempt to prove that irrigation is desirable; that it would increase the productive capacity of large areas a hundred or even a thousand fold; and that no effort should be spared to obtain it for those localities which need it, at the earliest practicable moment. On all these points public sentiment throughout the State is in substantial harmony. We are called on now, however, to give a practical solution to the question, "How shall we obtain irrigation?" In devising a system of irrigation it would seem necessary that the Legislature should provide:

*First*—For the division of the portions of the State, which need irrigation, into districts, in such a manner that all the lands which must be irrigated, if at all, from the same source of supply, shall form a single district. It will devolve on the Legislature to adopt the plan which shall offer the best guarantees for having this work done in a proper manner, and the most economically.

*Second*—For the appropriation by irrigation districts of such unappropriated waters as they may require for irrigation purposes; and for the acquisition by such districts, by purchase or condemnation, of such waters held by adverse right as they may require. Irrigation will be impossible unless irrigation districts are clothed with these rights.

*Third*—That each separate portion of land forming an irrigation district shall have an indefeasible right to its pro rata share of the water belonging to the district. The right of each portion of the land of a district to a pro rata share of the water appropriated to such district results, as a necessary corollary from the power assumed, first, to form all the lands susceptible of irrigation from the same source into a district; and, second, to give such district the right to appropriate, purchase, or condemn the water necessary for its irrigation.

In addition to all this, the Legislature must determine the financial basis on which irrigation shall rest. The financial problem is likely to prove the most difficult of solution of any connected with irrigation. There would be a manifest injustice in making the cost of irrigation a charge either on the State or on counties. The justice of making each district bear the expense of its own irrigation seems so clear that I hardly think there can be any difference of opinion on that point. But there may be some question whether this expense should be borne by the whole property of the district or only by the land. A very little reflection, however, will, I think, suffice to show that only the land, and not the whole property of the district, should be taxed to provide irrigation. Irrigation is a process of fertilization, the water being the fertilizer. Its effects on land are analagous to those of guano, or any other substance used to increase its productiveness. By increasing the productiveness of land, it adds to its value. And as the owners of the land are the persons chiefly benefited by the additional value given to it by irrigation, they should bear the expense of irrigation. In other words, the cost of bringing water upon land should be paid out of the increased value given to the land.

I can only add that the Legislature will ever find in me a ready



and zealous co-operator in any judicious, well-considered, and practicable scheme, which it may devise, for converting our dry and barren plains into fruitful fields, by bringing the life-giving and fertilizing water upon them.

#### STATE PRISON.

Another subject which ought to engage the earnest attention of the Legislature is the State Prison. Of all our public institutions it is in the most unsatisfactory condition. This is not said to censure those who have managed it. They have probably done as well as it was possible to do with the facilities at their command, and under the system established. And I will not assert, with any degree of positiveness, that any system can be devised, or any management instituted, which will give any better average results. I do not suppose that any one will claim that the prison has been, in any considerable degree, successful as a reformatory; and I do not know that it is possible, however desirable it may be, to reform any considerable percentage of those who belong to the criminal classes, proper. But, however this may be, there is one point, at least, in which all will agree—at least all taxpayers—to wit: that the prison should be made as nearly self-supporting as possible. The cost of maintaining the prison, in addition to receipts from prison labor, and exclusive of expenditures for permanent improvements, is over eighty thousand dollars per annum. I need not add that this is a heavy burden on the taxpayers, of which they should be relieved, if it is possible to relieve them. No great reduction can be made in the cost of supporting, officering, and guarding the prisoners. Our prisoners cost per man about the same as those of Massachusetts and Ohio—States in which their prisons have been, with rare exceptions, self-supporting for several years past. They have not surpassed us in economy in supporting prisoners, but have been more successful in utilizing their labor. The last biennial report of our prison shows that the earnings of the prisoners for the two years, ending June thirtieth, eighteen hundred and seventy-five, were 48.8 per cent. of the current expenses of the prison for the same period; and that for one of these years, the prisoners, under wages, were forty-nine and a half per cent. of the whole number in the prison, and for the other forty-two and a half per cent. These facts show that if all the prisoners could be kept under wages, at the rates received, the prison would be very nearly self-supporting.

Can all the prisoners be let out under contract, or be otherwise employed at remunerative labor? I answer, not without more shop room. The first step toward making the prison self-supporting must be the erection of more shops. Should the additional shop room required, as well as the additional cells, which are needed, be provided wholly at Folsom, or in part at San Quentin? With a daily average of nine hundred and ninety-one prisoners for the last two years, the cost for officers and guards has been forty-three and a half per cent. of the whole cost of the prison. With two prisons the cost for officers and guards would be nearly doubled.

Will it be easier to keep the convicts employed, or will their labor be more valuable, at Folsom than it is at San Quentin? The answers to these questions depend, in my judgment, on the answers which shall be returned to the following: Can convicts be employed profitably at quarrying and dressing granite at Folsom? If yes,

What number can be so employed? I think I hazard nothing in assuming that for any other purpose, convict labor will always be in much better demand, and will command much higher prices, at San Quentin than at Folsom. If these opinions be well founded, the Legislature should pause before determining to provide all additional prison accommodations, which may be required, at Folsom.

I venture to suggest: That the first story of the prison commenced at Folsom be carried forward to completion, and that the work be then stopped. This will give one hundred and sixty cells. Let the experiment of quarrying and dressing granite with convicts be then tried. If the experiment proves successful, and there be a demand for the labor of more prisoners than can be accommodated in the cells already provided, let an additional story, or two, if necessary, be built on the prison.

In the meantime more shop room and more cell room must be provided somewhere. And these additional accommodations are not wanted as mere conveniences or luxuries: they are required as absolute necessities. No step can be taken toward making the prison self-supporting without them.

The discipline of the prison, also, no doubt, should be changed in some respects. The contractors of prison labor all complain that it is too lax; and it is certain that the discipline in those prisons which are self-sustaining is much more rigid than it is in ours. The Board of Prison Directors, however, have, I think, all the power necessary for the purposes of discipline, except in one particular. I would advise that the power be given to the Board to set apart a portion of the earnings of the prisoner—say ten per cent. or less—to be given to him, the one-half of it, from time to time, if he should so desire, for the purchase of articles of necessity and comfort: the other half, at the time of his discharge from prison. His receiving any part of his earnings should, of course, be made dependent on his meriting it by honest, faithful labor, and general good conduct. Clothed with this power, the Board could establish a system of rewards for faithful labor and skillful workmanship, coupled with general good conduct, which could hardly fail to exert a most salutary influence in the maintenance of discipline, while it would prove a powerful incentive to the prisoner to try to make his labor as valuable as possible to the contractor.

And aside from, and in addition to, all this, our system of prison management should be so changed that we could place the prison in charge of an educated and permanent corps of officers. By educated, I mean qualified specially for the particular duties which a prison officer has to perform. And as these qualifications are usually the combined result of an original aptitude, and an experience, more or less protracted, officers who possess them should not be superseded by the naturally unfit, or the inexperienced. Though the reform now suggested is partially within legislative power, probably a constitutional amendment will be necessary to give the management of the prison the desired permanence.

#### STATE BOARD OF EQUALIZATION.

I have already stated that I understand the scope of the decisions of the Supreme Court to be, that the provisions of the Code, assuming to confer on the State Board of Equalization power to change, or

to cause to be changed, assessments made by County Assessors, are in conflict with the provision of the Constitution which requires Assessors to be elected by the electors of the district in which they are to assess.

It would be difficult to overstate the extent of the inequalities of the assessments made in the different counties in pursuance of this provision of the Constitution; or the consequent necessity for some tribunal with power to review the valuations of property made by local Assessors, and to change these valuations when the facts show them to be either too high or too low.

In fact, the history of the practical workings of our revenue laws has demonstrated, if it has demonstrated anything, that without some body, with powers similar to those attempted to be given to the State Board of Equalization, the different counties can never be made to bear their just proportion, and no more, of the burden of supporting the State government. As long as Assessors, or the County Boards of Supervisors, are the only officers that can be vested with power to determine the value of property, for the purposes of taxation, some counties will bear much more than their just share of State burdens, while others will bear much less. This, it must be admitted, is a grievous evil. But if I have not misinterpreted the decisions of our tribunal of last resort, it is an evil for which the State Board of Equalization can furnish no remedy.

And as the maintenance of this Board adds materially to the public burdens, while the decisions of the Courts have shorn it of all power to accomplish the purposes of its creation, I respectfully suggest that considerations of economy imperatively demand that it be abolished. And, accordingly, I so recommend.

#### THE VIOLATIONS OF PUBLIC TRUSTS.

While it is the duty of the Government to pursue with the tireless step and the sleepless eye of an avenging Nemesis every transgressor of the laws made to protect society, there are some offenses which should call down on the heads of their guilty perpetrators, with more than ordinary certainty and swiftness, the full measure of retributive justice. An offense of this character is the violation of a public trust. And at the present time—in the existing condition of public sentiment—I know of no other crime which it is so necessary to punish, to save society from utter demoralization and ruin. The opinion is quite general—I had almost said is universal—that every public officer, who has the opportunity, will enrich himself by plundering the public. And I am sorry to be compelled to add that, in too many instances, the conduct of those charged with public trusts has given just ground for such opinion.

And it is to be observed further, also, that the impunity, or, at least apparent impunity, with which public officers have appropriated to their own use the public funds, by a gross and almost open violation of the trusts committed to them, has apparently impressed on the lower grade, and even average public mind, the conviction that to rob the Government is legitimate, and that not to do so, when one has the opportunity, argues the lack of enterprise and business talent—not the possession of a quality for which he is entitled to public respect. That a sentiment of this kind does exist to an alarming extent, in certain strata of society, no close observer of social



phenomena can doubt. No more can any one capable of the simplest form of reasoning—of following causes to their immediate effects—doubt that such a sentiment, if permitted to grow, and spread, and perpetuate itself, must result in the utter demoralization and ruin of society. Society, therefore, is bound, in self-protection, in self-preservation, to check the growth of this sentiment and to crush it out utterly. How can this be done? I answer, only by pursuing and hunting down with tireless energy, and punishing with remorseless rigor, the guilty violator of a public trust. Sympathy may plead for the overtaken, prostrate, and crushed criminal; but the great interests of society, when supported by the demands of justice, may not be ignored, nor imperilled, out of deference to a mawkish sentimentalism which is shocked at all punishment, however just, of individuals.

#### SCHOOL QUESTION.

The relation which the State should sustain to the public schools is a subject of very great importance. Moreover, it is one which, at present, is engaging a large share of public attention, and which, judging from recent indications, is likely at an early day to assume still greater prominence as a public question, if it is not precipitated as an issue of partisan politics. The great importance of the question, which is universally acknowledged, in conjunction with a certain sensitiveness of the public mind, approximating a condition of alarm, in relation to it, must be both my excuse and justification for referring to it on this occasion. I shall state, as succinctly as I can, what I conceive should be the relation of the State to the system of public education.

It has passed into an aphorism, and may be accepted as axiomatic, that republican government must be based on the intelligence of the people. Without intelligence among the masses, it would be impossible long to maintain republican institutions. With us, therefore, general education is not only justified, but is made imperative, by the very conditions of our political system. To withhold education from the masses of the people, or to make access to our schools so difficult or expensive that large numbers could not make them available for the education of their children, would be to remove the corner stone on which our political edifice rests. Under our government, therefore, the education of the people—not merely the education of the wealthy or of the well-to-do classes, but of all—is a public necessity which the State itself must provide for, and supervise. This public necessity—for we cannot recognize it as anything less—not only sustains, but imperatively demands, the exercise of the power of taxation by the State for the support of schools in which the children of all may obtain an education. This much the State, as the organized form through which society acts, must do in self-protection and self-perpetuation.

The duty of the State to provide the means to educate the children, resident therein, may be supported on another ground, also. Humanity imposes on society the duty of providing for the physical wants of those who are needy, and incapable of helping themselves, whether the helplessness is that of infancy or arises from sickness or from the decrepitude of age, whenever their natural guardians or helpers fail, through death, poverty, or any other cause, to provide for them. In every civilized community, education is recognized as an



actual, *bona fide* want of the individual, as much as is the food that keeps him alive, or the clothing that keeps him warm. Education is necessary for the individual, to enable him to provide properly for his physical necessities and comforts. The parent, therefore, may no more neglect to educate his child than he may neglect to feed or clothe him, during the period of his helplessness. And as humanity imposes on society the duty of feeding and clothing the infant, in case of the default of the parent, who is his natural guardian, so humanity imposes a like duty on society in relation to the education of the infant, if the parent neglect or is unable to provide this necessity for him. And whatever duty humanity imposes on society at large becomes a legitimate charge on the State, for the State is but the organ of society, through which it discharges its functions.

Having thus stated, as clearly as I can, and without equivocation, that I hold it to be the duty of the State to provide all children, resident therein, or at least to see that all children are provided, with the means of obtaining an education, I desire to remark, briefly, on what this education should be. The absolute divorce of Church and State is a doctrine which lies at the very foundation of our whole political system. Congress is forbidden "to make any law respecting an establishment of religion, or prohibiting the free exercise thereof." And the Constitution of this State provides, that "the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall never be allowed in this State." I think I may assert without reservation, and without the fear of contradiction, that the idea of a perfect severance—an absolute divorce—of Church and State, obtains in the Constitution of the United States, is incorporated into the Constitutions of most, if not all, of the States, and is deeply imbedded in the very heart of hearts of the great body of the American people. The education, therefore, which the State must provide is secular; not religious. The State is firmly held by the letter of our Constitution, and by the common law of the land, indelibly written on the hearts of the people, to a rigid impartiality—a strict neutrality—as between the different forms of religion. It is strictly opposed against all religious propagandism; but it must allow "the free exercise and enjoyment of religious profession and worship, without discrimination or preference." It is against the letter of the law and the whole genius of our institutions, that a solitary farming should be raised by taxation for the support of religion. The written law in the books, and the unwritten law in the hearts of the people, concur in the declaration that the only proper mode of supporting a religion is by the voluntary contributions of those who profess it.

The education, therefore, which the State is bound to provide, must embrace only those branches of learning which are necessary parts of all systems of education: those only about whose utility and necessity there is a substantial agreement among all civilized peoples, among the adherents of all religions, and the membership of all sects. Such are reading, writing, arithmetic, geography, grammar, natural history, natural philosophy, geometry, trigonometry, surveying, civil engineering, etc. These and other cognate branches of science and art are neither Pagan, Mahomedan, nor Christian; they are neither Protestant nor Catholic. They are adapted to the wants and necessities of men and women, as human beings. And whether the men and women be Pagan, Mahomedan or Christian—Protestant

or Catholic—they stand equally in need of the knowledge acquired by a study of these and cognate branches. To instruct in these is not to instruct in religion; yet such instruction is not antagonistic to religion, but harmonizes well with all religions, and with the doctrines of all branches of the church.

From what has been said I make the following deductions:

The State must provide, in a system of common schools, for the education of the children resident therein, in such branches of non-religious or secular knowledge as by common consent are recognized as necessary to enable men and women to properly support themselves; and as necessary to equip men and women for their duties as citizens.

The State may not force into the schools, which her duty compels her to maintain, studies obnoxious to any portion of the citizens of the State, on account of the religious character of such studies. The obligation which binds the State to maintain public schools is of no more force than is the obligation which requires her to exclude from them all sectarian religious studies.

The ideas of government and principles of public policy, which forbid the State to employ the taxing power to establish a religion, or support a church, forbid it equally to apportion a fund, raised by taxation, among schools devoted, in whole or in part, to religious education.

Neither the people of this State, nor of the United States, are, in my judgment, opposed to schools for the religious instruction of children; they are, however, if I am not much mistaken, even violently opposed to the employment of the taxing power of either the State or the United States, for the support of such schools. Public sentiment, as well as sound principles of government, demands that schools, devoted, in whole or in part, to religious instruction, shall, like religious establishments, be supported by those who patronize them; and that the power of the State shall be employed only to provide that education which is useful to all alike, in gaining a livelihood, and necessary to all alike, for the intelligent discharge of their duties as citizens.

And now I will venture to express the belief that on this subject I am in substantial accord with the great body of the people of this State, irrespective of party; nay, more, that I am in substantial accord with the great body of the people of all the States.

#### THE CURRENCY QUESTION.

Although the currency question, which is now engaging so large a share of public attention, is in no proper sense a question of State polity, I do not think it at all doubtful what position California occupies, or will occupy, on it as a question of national politics. It would be superfluous to remark that California has always been a hard money State, or that the people of the State are indissolubly wedded to gold and silver, as the only proper circulating medium. Here, public sentiment has steadfastly refused to accept anything, as a substitute for the precious metals, to perform the office of money. And even the gold notes, which are exchangeable for gold at the will of the holder, can be got into circulation only with difficulty, and to

a limited extent. The actual circulating medium in use by the people, in the transactions of their daily business, is now, as it always has been, gold and silver.

It is proper to remark that, in my opinion, the State has acted wisely in adhering to a hard currency—the currency of commerce—in all the vicissitudes of the past, and that her present prosperous condition is due, in a large measure, to that circumstance. I will not assert that the United States could get along without paper money, of any kind or character, as California has done during the greater part of her history, but I will assert that no paper should be permitted to circulate as money, unless it possess the character of interchangeability with gold, at the will of the holder. This is the one sole test of the fitness of paper or any other substance to become, under any possible or conceivable circumstances, a substitute for gold and silver, as money.

But while this is the case, I recognize the fact that we cannot exact impossibilities of even the Government; and it may be impossible for the Government to return, at once, to specie payments. But we can and ought to demand that the Government resume specie payments at the earliest possible moment.

Moreover, we should insist that the currency of commerce—the money of the world—become again actually, or in substance, the currency of the American people, in their daily business transactions.

#### CHINESE.

It would be a work of supererogation to attempt to prove that Chinese immigration is undesirable, and that it will, if allowed to go on without check, inflict not only the most serious evils on the laboring classes, but work a change in the very character of our civilization. This, all see and know. But how shall the evil be averted? I will not stop to inquire to just what extent, or with what effect, we can employ the police powers of the State for that purpose. It is certain, however, that the only sure remedy against Chinese immigration lies in the treaty-making power of the United States. If we would escape the dangers which threaten us from this source, we must invoke the exercise of this power. Let this State bring all its influence to bear on the Government at Washington, to induce it to demand a modification of the treaty between this Government and that of China. Our interests, our very safety, demand that it shall be reduced to a mere commercial convention.

#### CONCLUSION.

In conclusion, permit me to say, that, according to the theory which I have been taught, government is instituted not for the benefit of those who administer it, but for the common good of all; and that that government, which is the simplest in its form, and least expensive in its operations, is the best, if it accomplish the purposes for which governments are instituted. In a word, government is the agent of society for the accomplishment of certain specific purposes. And society, like an individual or a corporation, is interested in having its agent perform the work assigned him, in the most efficient and cheapest manner.

This brings me to remark, that I will cordially co-operate with the

Legislature in every effort it may make to reduce the expenses of the State, county and municipal governments to the lowest scale, compatible with vigor and efficiency of administration.

## IN SENATE.

SENATE CHAMBER, )  
Friday, December 10th, 1875. )

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Bonte.

Journal of yesterday read and approved.

Messrs. Beazell and Hendricks were granted indefinite leave of absence, and Mr. Hilborn for one day.

The President presented the following:

DECEMBER 10th, 1875.

By authority of the resolution passed by the Senate yesterday, I hereby appoint Harry H. Hughes a Page to attend upon the Chair.

JAMES A. JOHNSON, President of the Senate.

## REPORT.

Mr. Pierson submitted the following report:

MR. PRESIDENT: Your Committee on Standing Rules of the Senate, after a careful examination, beg leave to report and recommend the adoption of the standing rules of the Senate of the twentieth session of the Legislature, with the exception of rule nineteen; and as to rule nineteen, they recommend the adoption of the following:

"19. All committees of the Senate, special and standing, and all joint committees on the part thereof, shall be appointed by the President, unless otherwise specially ordered."

Also adding to rule eighteen thereof the following:

"29. Committee on Irrigation to consist of seven members."

Also amending that part of said rule eighteen relating to the Judiciary Committee so that it will read as follows:

"3. Committee on Judiciary to consist of eleven members."

Your committee have not been able, as yet, to meet with the Assembly Committee on Joint Rules, and therefore ask further time to report thereon.

PIERSON,  
LEWIS,  
EVANS.

Mr. Laine offered the following substitute for rule nineteen, as reported by the committee:

"19. All committees of the Senate, special and standing, and all joint committees on the part thereof, shall be appointed by the Senate, unless otherwise specially directed.

The Senate refused to adopt the substitute.

The report of the committee was agreed to, and the Senate adopted the following as the



## STANDING RULES OF THE SENATE.

## 1.

The time of meeting of the Senate shall be eleven o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

## 2.

The President shall call the Senate to order at the stated hour, and if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

## 3.

A President pro tem. shall be elected, who shall, in the absence of the President, take the Chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate. When the Senate is equally divided, the Secretary shall take the decision of the President.

## 4.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate or of less than a quorum thereof shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county or of any county in the State.

## 5.

After the reading and approving of the Journal the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.

6. Second Reading and Commitment of Bills.
7. Introduction and First Reading of Bills.
8. Motions, Resolutions, and Notices.
9. Business on the General File and Third Reading of Bills.
10. Unfinished Business of the preceding day.
11. Special Orders of the day.
12. Reports from the Committees on Enrollment and on Engrossment shall at all times be in order.

*Provided*, that messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

## 6.

The General File shall be the special order for each day from twelve o'clock until two p. m., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

## 7.

The Secretary shall post, each morning, in a conspicuous place, a list of all bills upon the General File, giving their order, and also setting forth their number, and so much of their title as necessary to enable Senators to understand their general purport.

## 8.

All questions relating to the priority of business shall be decided without debate.

## 9.

If objection be made to the introduction of a bill, except on report of a committee, or on previous notice, it shall lie over one day, unless the Senate, by a two-thirds vote, direct otherwise.

## 10.

Every bill shall receive three readings previous to its being passed. The President shall give notice at each, whether it be the first, second, or third, which reading shall be on different days, unless the Senate, by a two-thirds vote, direct otherwise; *provided*, that upon the first reading of a bill, if no objection be made, it may, without delay, be read a second time by title, and be committed or placed on the General File. No bill shall be amended or committed until twice read.

## 11.

All bills, on a second reading, shall be considered by the Senate in the same manner as if the Senate was in Committee of the Whole, before they shall be taken up and proceeded on by the Senate agreeably to the Standing Rules, unless otherwise ordered.

## 12.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, and when,

by order of the Senate, any Senate bill shall have been considered, engrossed, and passed, it shall be the duty of said committee to cause the same to be correctly engrossed and reported to the Senate; the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

## 13.

All bills, after the second reading (if the same be not committed, but if committed, then upon being reported), shall be placed upon a General File, and shall be taken up for consideration and passage in the order of their being placed on file: *provided*, that engrossed bills shall take precedence of bills not engrossed.

## 14.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

## 15.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

## 16.

In filling up blanks, the least sum or number and the shortest time shall be put first.

## 17.

When an amendment to the Constitution, or any bill, requiring the concurrence of two-thirds of the Senators, is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or extending to the merits, being short of the final question.

## 18.

The following Standing Committees shall be appointed:

1. Committee on Agriculture, to consist of five members.
2. Committee on Claims, to consist of five members.
3. Committee on Commerce and Navigation, to consist of five members.
4. Committee on Contingent Expenses of Senate, to consist of five members.
5. Committee on Corporations, to consist of five members.
6. Committee on Counties and County Boundaries, to consist of five members.
7. Committee on Education, to consist of five members.
8. Committee on Elections, to consist of five members.
9. Committee on Engrossed Bills, to consist of six members.
10. Committee on Enrolled Bills, to consist of six members.
11. Committee on Federal Relations, to consist of five members.
12. Committee on Finance, to consist of five members.
13. Committee on Hospitals, to consist of five members.
14. Committee on Internal Improvements, to consist of five members.

15. Committee on Irrigation and Water Rights, to consist of seven members.
16. Committee on Judiciary, to consist of eleven members.
17. Committee on Mileage, to consist of three members.
18. Committee on Military Affairs, to consist of five members.
19. Committee on Mines and Mining Interests, to consist of seven members.
20. Committee on Public Buildings (other than prison buildings), to consist of five members.
21. Committee on Public Expenditures, to consist of five members.
22. Committee on Public Lands, to consist of five members.
23. Committee on Public Morals, to consist of five members.
24. Committee on Public Printing, to consist of five members.
25. Committee on Roads and Highways, to consist of three members.
26. Committee on State and County Revenue, to consist of five members.
27. Committee on State Library, to consist of three members.
28. Committee on State Prison and Prison Buildings, to consist of five members.
29. Committee on Swamp, Overflowed and Tide Lands, to consist of five members.

## 19.

All committees of the Senate, Special and Standing, and all Joint Committees on the part thereof, shall be appointed by the President, unless otherwise specially ordered.

## 20.

No committee, Standing or Special, shall elect a clerk or sergeant-at-arms without first obtaining the consent of the Senate.

## 21.

When a resolution shall be offered or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

## 22.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to, and reported on, by the Committee on Contingent Expenses.

## 23.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.



5. To commit.
6. To amend.
7. To postpone indefinitely.

## 24.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any member, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

## 25.

When the reading of a paper is called for (except petitions), and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

## 26.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No member shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation), to the exclusion of another who has not spoken.

## 27.

When two or more members rise at once, the President shall name the member who is to speak first.

## 28.

When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any member. If the member be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

## 29.

The final question upon the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order, before the final passage of any such bill, to move its commitment under special instructions.

## 30.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amend-

ments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

## 31.

On a motion for the previous question, and under the previous question, there shall be no debate. And all incidental questions of order, arising after a motion is made for the previous question, (or while acting under the previous question), shall be decided, whether on appeal or otherwise, without debate.

## 32.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

## 33.

When any member is absent without the bar of the Senate when his name is called on the call of ayes and noes on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the members present; nor shall a member be counted, on a division of a vote, who is absent without the bar of the Senate without leave.

## 34.

When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the reconsideration thereof, and such motion shall take precedence of all other questions, except a motion to adjourn; but no motion for a reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate; nor after the usual message shall have been sent from the Senate, announcing its decision; nor shall any motion for a reconsideration of a vote, making a final disposition of any bill or resolution, be made on the day on which the same was taken; nor shall any question be reconsidered more than once.

## 35.

No motion to reconsider shall be entertained at a later period than the next day of the actual session of the Senate after the vote to be reconsidered has been taken; nor then, unless notice of intention to move a reconsideration shall have been given by some Senator on the same day when such vote was taken; but when any vote shall be reconsidered, the Senate may at the same time proceed to reconsider

any previous vote or order in relation to the same bill or resolution without further notice. No notice of intention to move a reconsideration shall be given on the day next preceding the last day of the session.

## 36.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

## 37.

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

## 38.

The proceedings of the Senate when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial or paper presented to the Senate shall also be inserted in the Journal.

## 39.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

## 40.

In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

## 41.

No rule shall be suspended without the concurrence of two-thirds of the members present, and no additional rule or amendment of a rule shall be made without giving at least one day's notice and the concurrence of two-thirds of the members present; *provided*, that no rule requiring unanimous consent shall be suspended by operation of this rule.

## 42.

The rooms, passages and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, bills, etc., of the Senate; he shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

## 43.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole Senate), shall have power to order the same to be cleared.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and for traveling expenses for himself and special messenger going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required so to do, draw the money on such checks for the members (the same being previously signed by the President, and indorsed by the member or person to whom the check is made), and pay over the same to the member or person entitled thereto.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are calling, or while the ballots are counting.

It shall be the duty of the Doorkeeper to prohibit all persons except Senators, members of the Assembly, officers of the two Houses, and such reporters as have seats assigned them by the President, from coming withing the bar of the Senate, unless invited by the Senate through the President, and to arrest for contempt all persons outside the bar or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be, unless the Senate shall by a majority vote otherwise direct, acted upon at once.

Two hundred and forty copies of all bills of a general nature shall be printed. No local or special bills, or other matter, shall be printed without first being specially ordered by the Senate; and the Sergeant-at-Arms shall be required to certify to the reception, by the Senate, of all such printed matter, and the quantity, before payment shall be made or bills audited therefor.

Two hundred and forty (240) copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.



On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may in the opinion of the Senate require secrecy, the President shall require all persons except the members, Secretaries, Sergeant-at-Arms, and Doorkeeper of the Senate, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings and things, whereof secrecy shall be enjoined by order of the Senate.

No Assistant Clerk or Clerks shall be appointed by the Senate for the Enrolling or Engrossing Clerk, unless upon a written request and recommendation, addressed to the Chairman of the Committee on Contingent Expenses, by such officer, for their respective offices, and with the consent of their respective committees; which request and recommendation shall be reported to the Senate with or without the approval of said committee; and no Assistant Copying Clerk or Clerks shall be appointed by the Senate for the Copying Clerks or Journal Clerk, unless upon a written request and recommendation of such officers, addressed to the Chairman of the Committee on Contingent Expenses, who shall report the same to the Senate with or without the approval of said committee; and, furthermore, that no clerk or clerks shall be appointed by the Senate for any committee or committees, unless upon a written request and recommendation, signed by a majority of the committee or committees desiring such clerk, addressed to the Chairman of the Committee on Contingent Expenses, who shall report the same to the Senate with or without the approval of said committee.

All bills which shall not have been printed, which are reported upon favorably by a delegation, shall be referred to a Standing Committee before being passed by the Senate.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, December, 1875.

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have appointed Edwin W. Maslin, Private Secretary to the Governor. All official communications that I shall have to make to your honorable body will be made through him.

W. IRWIN, Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Howe—An Act to repeal section eleven of chapter one, title six, of the Political Code.

By Mr. Roach—An Act to grant further power to the Board of State Harbor Commissioners.

The bills were each read first and second times and referred to the Committee on Commerce and Navigation to be appointed.

By Mr. Roach—An Act to establish water rates in the City and County of San Francisco.

Also, an Act to amend an Act entitled an Act to establish and maintain a training-ship or ships in the City and County of San Francisco.

Bills read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. McCoppin—An Act supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board, approved March twenty-seventh, eighteen hundred and seventy-four.

Read first and second times and referred to the San Francisco delegation.

By Mr. McGarvey—An Act to amend the Political Code relating to salaries.

Read first and second times and referred to the Committee on Finance to be appointed.

By Mr. Laine—An Act to amend section two hundred and sixty-six of the Political Code of the State of California, concerning the compensation of members of the Legislature.

Read first and second times and referred to the Committee on Public Expenditures to be appointed.

By Mr. Haymond—An Act in relation to public roads in the County of Sacramento.

Read first and second times and referred to the Sacramento delegation, and ordered printed.

By Mr. Pierson—An Act to define the rights of passengers on railroads.

Read first and second times and referred to the Committee on Corporations to be appointed.

By Mr. McGarvey—An Act to add additional sections to the Political Code, concerning the sale of the public lands.

Read first and second times and referred to the Committee on Public Lands to be appointed.

By Mr. McCoppin—An Act to provide for the completion of the new City Hall in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation, and ordered printed.

By Mr. Craig—An Act to protect the citizens of the State of California from empiricism and for the suppression of quackery.

Read first and second times and referred to the Judiciary Committee to be appointed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Donovan offered a resolution, as follows:

*Resolved*, That the San Francisco delegation be authorized to appoint a clerk to said delegation, at a per diem of five dollars, to be paid out of the appropriation for contingent expenses of the Senate.

Referred to the Committee on Contingent Expenses, on motion of Mr. O'Connor.

### By Mr. Fraser:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized to receipt to the Controller of State for all warrants for per diem and mileage of the Lieutenant-Governor and members of the Senate, and for the per diem of officers and attachés of the Senate.

### Adopted.

Mr. Pierson offered a resolution providing for the mode of introducing bills and of making indorsements thereon.

On motion of Mr. Farley, it was laid on the table.

Mr. Laine offered a preamble and resolution concerning the appointment of a Chaplain of the Senate.

On motion of Mr. O'Connor, referred to the Committee on Contingent Expenses, to be reported with other resolutions upon the same subject.

Mr. Tinnin submitted the following report:

MR. PRESIDENT: The special committee appointed to enroll Senate Bill No. 7—An Act to prevent changes in the text-books in use in the public schools—respectfully report that they have examined and find the same correctly enrolled, and have this day, at twelve o'clock M., delivered the same to the Governor.

W. J. TINNIN, Chairman.

Mr. Roach offered a joint resolution, asking of Congress a modification of our treaty with China.

Read first and second times, ordered printed, and referred to the Committee on Federal Relations to be appointed.

Mr. O'Connor offered the following resolution:

*Resolved*, That Edward Leigh Aiken be appointed Mail Carrier of the Senate, at a per diem of three dollars, payable out of the appropriation for the contingent expenses of the Senate.

On motion of Mr. O'Connor, referred to the Committee on Contingent Expenses to be appointed.

### NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Gibbons—Of an Act to promote a more uniform system of municipal government, and to restrict the power to contract municipal debts.

By Mr. Craig—Of an Act for the purpose of having the City and County of San Francisco appraise and purchase back the City Hall lots, sold by said city and county, and known as "City Hall Lots."

### REPORT.

Mr. Fraser submitted the following report:

MR. PRESIDENT: Your committee, appointed to ascertain and report the amount due officers of the last Senate for mileage and per diem, for services rendered in the organization of the present Senate, beg leave to submit the following report:

To T. J. Shackleford, Secretary of the last Senate, for mileage.....	\$17 50
To Newton Benedict, Minute Clerk of the last Senate, for mileage.....	21 50
To James W. Hawkins, Sergeant-at-Arms of the last Senate, for mileage.....	10 00

And whereas, the above-named T. J. Shackleford, Newton Benedict, and J. W. Hawkins having been re-elected officers of this Senate, your committee recommend that the per diem of each of said officers date from the commencement of the present session.

FRASER, for Committee.

Report adopted.

Mr. Satterwhite, by leave, presented the following communication :

*To the Honorable the Senate of the State of California :*

GENTLEMEN : Considerations of public good constrain me to withdraw from the contest involving the right to a seat in your honorable body as a member from the Eighteenth Senatorial District. Since the result of such a contest could not be forecast, it will be readily understood that its possible termination in no measure actuates this step.

For many years I have been a citizen of Sacramento County, earnestly devoted to her advancement and general interests. Like most other counties, her prosperity in the future will depend in no small degree upon wise legislation at your hands, and I can permit neither personal nor party considerations to stand between myself and the best interests of her people. I feel that this contest, if continued, would involve the outlay of a considerable amount of the public money, and work a hardship to a large number of my fellow-citizens who would of necessity be called away from their respective occupations as witnesses, and that, possibly, it might be prolonged through almost the entire session. I feel, too, that at this time, while the burdens of taxation already weigh heavily upon the people of the State, it is my duty to the public generally, and the citizens of Sacramento City and County (as well as myself), particularly, not to press upon the Senate a question fraught with such a necessary waste of time and money.

The prolongation of a contest of this character would also, I fear, greatly embarrass and impair the usefulness of the gentleman (Mr. Haymond) holding a certificate of election to the seat in question, and to no small extent deprive this county of the services of a Senator.

I can say with all truthfulness and sincerity, that I hold the interests of my county as paramount to everything of a personal nature, and I can as truly say that I did not seek even the honor of a candidacy for the position. And now that my inclination, business requirements, and what I conceive to be my duty to the public, to my friends and neighbors, all concur in pointing out the true path, I am only too happy to follow. For these reasons I withdraw from the contest, and dismiss all proceedings instituted in my behalf.

Very respectfully yours,

SACRAMENTO, December 10th, 1875.

R. S. CAREY.

Mr. O'Connor moved that the above communication be spread upon the journal of the Senate.

Agreed to unanimously.

Mr. Lewis moved to reconsider the vote by which the papers in the contested election case of *R. D. Stephens v. Creed Haymond* was referred to the Committee on Elections.

Carried.

On further motion of Mr. Lewis, the whole matter in contest was dismissed.

Mr. Lewis moved that when the Senate adjourns to-day, it adjourn to meet again on Monday, December thirteenth, at two o'clock p. m.

Carried.

At twelve o'clock and thirty minutes p. m., on motion of Mr. Pierson, the Senate adjourned.

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## IN SENATE.

SENATE CHAMBER, }  
Monday, December 13th, 1875. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Bonte.

Journal of Friday last read and approved.

MESSRS. Rogers, Donovan, McCune, Craig, Eakin, and Evans, were granted leave of absence for one day each.



## STANDING COMMITTEES.

The President submitted the following list of standing committees of the Senate:

- On Judiciary*—Messrs. Lewis, McGarvey, Pierson, Laine, Graves, Hilborn, O'Connor, Satterwhite, Bartlett, Edgerton, and Farley.
- On Finance*—Messrs. Howe, Angney, Turner, Lewis, and Tuttle.
- On State and County Revenue*—Messrs. Nunan, Hendricks, O'Connor, Laine, and Hilborn.
- On Public Expenditures*—Messrs. Tinnin, Nunan, Flint, McCoppin, and Fraser.
- On Contingent Expenses*—Messrs. Rogers, Howe, Lindsey, Hendricks, and Tinnin.
- On Claims*—Messrs. O'Connor, Fraser, Tinnin, McCune, and McCarthy.
- On Irrigation and Water Rights*—Messrs. McGarvey, Shirley, Hopkins, Bartlett, Lindsey, Craig, Satterwhite, Bush, and Montgomery.
- On Internal Improvements*—Messrs. Pierson, McCoppin, Craig, Rogers, and Spencer.
- On Swamp and Overflowed Lands*—Messrs. Beazell, Roach, Craig, McCarthy, and McCune.
- On Commerce and Navigation*—Messrs. McCoppin, Shirley, Beazell, McCarthy, Howe, and Roach.
- On Military Affairs*—Messrs. Roach, Evans, Edgerton, Laine, and Hammond.
- On Public Lands*—Messrs. Angney, Hill, Bush, Lindsey, and Montgomery.
- On Corporations*—Messrs. Farley, Shirley, Satterwhite, Evans, Graves, McCarthy, and Gibbons.
- On Public Buildings other than Prison Buildings*—Messrs. Donovan, Beazell, Hill, Evans, Nunan, and Hammond.
- On State Prison*—Messrs. Shirley, McGarvey, Hammond, Gibbons, Tuttle, Nunan, and Craig.
- On Hospitals*—Messrs. Bush, Gibbons, Donovan, Flint, and Martin.
- On Education*—Messrs. Tuttle, Hopkins, Donovan, Hilborn, and Lewis.
- On State Library*—Messrs. Satterwhite, Farley, and Edgerton.
- On Enrolled Bills*—Messrs. Craig, Hendricks, McGarvey, Flint, Hopkins, and Howe.
- On Enrolled Bills*—Messrs. McCarthy, Tuttle, Martin, McCune, Turner, and Rogers.
- On Agriculture*—Messrs. Hill, Montgomery, Angney, Bush, and Spencer.
- On Mines and Mining Interests*—Messrs. Hendricks, Bush, Turner, Tinnin, Hopkins, Eakin, and Frazer.
- On Public Printing*—Messrs. Bartlett, Frazer, Roach, Donovan, and Laine.
- On Mileage*—Messrs. Montgomery, Evans, and Frazer.
- On Counties and County Boundaries*—Messrs. McCune, Turner, Hill, Eakin, and Lindsey.
- On Federal Relations*—Messrs. Gibbons, Graves, Roach, Rogers, and Eakin.
- On Public Morals*—Messrs. Martin, Gibbons, Angney, Tuttle, and Spencer.
- On Roads and Highways*—Messrs. Eakin, Martin, and Flint.
- On Elections*—Messrs. Graves, Hilborn, Pierson, Edgerton, and McGarvey.

The President appointed Messrs. Lindsey, Tuttle, and Hopkins the committee called for under a resolution concerning rooms for committees, adopted on the ninth instant.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Graves—An Act to add an additional section to the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tuttle—An Act to amend an Act entitled an Act to fund certain indebtedness of Sonoma County, approved February twelfth, eighteen hundred and seventy-four.

Read first and second times and referred to the Sonoma County delegation.

By Mr. McCarthy—An Act concerning the office of County Clerk of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation, and ordered printed.

By Mr. O'Connor—An Act to amend section two thousand one hundred and seven, and to repeal section two thousand one hundred and twelve of the Political Code of the State of California.

Read first and second times and referred to the Committee on Public Expenditures and Accounts.

By Mr. Bush—An Act to amend section six hundred and twenty-six of the Penal Code.

Read first and second times and referred to the delegations from Los Angeles and San Bernardino.

By Mr. Haymond—An Act for the permanent improvement of the State Capitol grounds.

Read first and second times and referred to the Committee on Public Buildings and Grounds.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Edgerton submitted the following:

SACRAMENTO, December 10th, 1875.

*To the Honorable the Senate and Assembly of California:*

The undersigned, on behalf of a committee of the citizens of Sacramento, who are desirous of giving a ball and social entertainment in honor of the inauguration of Governor Irwin, the new State officers, and the Legislature, respectfully ask your honorable bodies to grant them the use of your chambers, respectively, on the evening of the fifteenth instant, for the purpose of that entertainment—the committee to remove and restore the furniture, without loss or expense to the State, or detriment to the public interests.

And we will ever pray.

A. A. BENNETT,  
Chairman Hall Committee.

*Resolved by the Senate, the Assembly concurring.* That the citizens of Sacramento be granted the use of the Senate and Assembly Chambers on the evening of December fifteenth, eighteen hundred and seventy-five, for the purpose of giving an Inauguration Ball, and the committee of citizens to remove and restore the furniture of said chambers, without loss or expense to the State, or detriment to the public interests.

Adopted.

By Mr. Lindsey—A concurrent resolution in reference to the change of route of the Southern Pacific Railroad.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Tuttle:

*Resolved by the Senate, the Assembly concurring.* That five thousand copies of the Governor's inaugural address be printed for general circulation.

Adopted.

By Mr. Tuttle:

*Resolved.* That a committee of five, to consist of Messrs. Laine, Evans, Lindsey, O'Connor, and Angney, be appointed to inquire into the public expenditures, with instructions to report to the Senate the result of such inquiries, and also such bill or bills as they may deem proper to retrench the same, with power to send for persons, books, and papers, and to administer oaths; *provided*, that no person employed in the public service, who may be summoned as a witness, shall receive any compensation therefor.

Adopted.

By Mr. Lewis:

*Resolved.* That the Committee on Judiciary be allowed to appoint a clerk, to receive for his services eight dollars per diem, to be paid out of the appropriation for contingent expenses of the Senate.

Rules suspended and the resolution adopted.

## NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. McCoppin—Of an amendment to the Constitution, restricting the power of all counties, cities and counties, and incorporated towns in the State, to create any debt or liability for any purpose whatsoever, in excess of five per cent. of the taxable valuation of the property therein from which revenue is actually derivable, and all existing debts and liabilities of said counties, cities and counties, and incorporated towns, shall be included in the said five per cent. limitation.

By Mr. Farley—Of an Act recommending to the electors of the State to vote for or against a convention to revise and change the Constitution of the State.

By Mr. Tuttle—Of an Act in relation to salaries of State officers.

By Mr. Howe—Of an Act to repeal to Local Option law.

Mr. McGarvey, by leave, withdrew from the further consideration of the Senate, Senate Bill No. 26.

## REPORTS.

The following reports were taken from the table and referred as follows:

Report of the State Board of Examiners—to the Committee on Claims.

State Board of Tide Land Commissioners—to the Committee on Swamp and Overflowed Lands.

Supplementary report of the Surveyor-General—to the Committee on Public Lands.

Communication from the Secretary of State, with returns of election on Constitutional Convention—to the Judiciary Committee.

Report from the Trustees and Superintendent of the Napa Insane Asylum—to the Committee on Hospitals.

Mr. Pierson submitted the following report:

SACRAMENTO, December 13th, 1875.

MR. PRESIDENT: The Committee on Joint Rules of the Senate and Assembly beg leave to report and recommend the adoption of the joint rules of the twentieth session of the Legislature.

PIERSON,	)	Senate Committee.
LEWIS,	)	
WILCOX,	)	
PRESTON,	)	Assembly Committee.
YOUNG,	)	

The report was adopted, and the standing and joint rules were ordered printed:

## JOINT RULES.

## 1.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by their respective Chairmen, and

shall confer upon the differences between the two Houses, and shall report, as early as convenient, the result of their conference to their respective Houses for their action.

## 2.

When a message shall be sent from either House it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

## 3.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

## 4.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

## 5.

After a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the Assembly or of the Senate, as the bill may have originated in the one or the other House, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

## 6.

When bills are enrolled, they shall be examined by the Enrolling Committee of the House in which they originated, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

## 7.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

## 8.

After a bill shall have thus been signed in each House, it shall be presented, by the Enrolling Committee of the House in which it originated, to the Governor of the State for his approval (it being first indorsed on the back of the roll by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said committee shall report the time of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

## 9.

All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same



manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

## 10.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

## 11.

When a bill or resolution, which shall have passed in one House, is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

## 12.

When a bill or resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of five days and leave of two-thirds of that House in which it shall be renewed.

## 13.

Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

## 14.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

## 15.

No bill or resolution that shall have passed the Assembly and Senate, shall be presented to the Governor for his approval on the last day of the session.

## 16.

No appropriations of money, for any purpose whatever, shall be made except by bill.

## 17.

Each House may order the printing of bills introduced and reports of its own committees, but no other printing shall be ordered except by a concurrent resolution passed by both Houses.

## 18.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

## 19.

No spirituous liquors shall be offered for sale or introduced within any portion of the building which is used for State purposes, or is under the control of this Legislature.

20.

No extra pay nor increase in the pay of any officer or attaché of the Senate or Assembly shall be made by resolution except by unanimous consent.

21.

All concurrent or joint resolutions which relate to or contain communications to the Federal Government, shall be treated in all respects as bills.

22.

Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted;" and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in;" and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

Mr. Bartlett offered the following as an additional standing rule:

RULE 53. All bills which shall not have been printed, which are reported upon favorably by a delegation, shall be referred to a standing committee before being passed by the Senate.

Rules suspended, and the rule adopted.

Mr. Gibbons offered the following as an additional joint rule, to be numbered number twenty-three:

RULE 23. All bills amendatory of the Code must express in the title the number and subject matter of the section proposed to be amended, added, or repealed.

Laid over one day.

At two o'clock and fifty-five minutes P. M., on motion of Mr. Fraser, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, December 14th, 1875. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Bonte.

## CHANGES IN COMMITTEES.

By consent of the Senate, the President announced the following additions and changes in the standing committees of the Senate:

Mr. Spencer was added to the Committee on Public Buildings; also to the Committee on Hospitals.

Messrs. Haymond and Hopkins to the Judiciary Committee.

Mr. Martin to the Committee on State Prison.

Mr. Howe (at his request,) was relieved from the chairmanship of the Committee on Finance.

Mr. O'Connor was added to the Committee on Irrigation and Water Rights.

Mr. Howe was made Chairman of the Committee on Commerce and Navigation.

Mr. Craig was added to the Committee on Mines and Mining Interests.

#### REPORTS OF STANDING COMMITTEES.

Mr. Lindsey submitted the following report:

**MR. PRESIDENT:** Your committee, to whom was referred the matter of rooms for the use of the various standing committees of this Senate, respectfully report that they have learned from the Secretary of State that there are in this building vacant rooms which may be used by the committees of this Senate, as follows: Rooms numbers three, forty-one, seventeen, eighteen, fifty-five, sixty, and sixty-three, and the Supreme Court's Library Room. Your committee, therefore, recommend that the vacant rooms above described be assigned to the committees of this Senate, as follows:

To the Judiciary Committee, room number forty-one; to the Committee on Corporations, room number forty-one; to the Committee on Commerce and Navigation, and the San Francisco delegation, the Supreme Court's Library Room; to the Committee on Counties and County Boundaries, room number three; to the Committee on Irrigation and Water Rights, room number three; to the Committee on Public Lands, room number sixty; to the Committee on Swamp and Overflowed Lands, room number sixty; to the Committee on Education, room number three; to the Committee on Finance, room number three; to the Committee on Military Affairs, Adjutant-General's office; to the Committee on Mines and Mining Interests, room number eighteen; to the Committee on Roads and Highways, room number eighteen; to the Committee on State Prison, Lieutenant-Governor's room, number fifty-nine; to the Committee on State and County Revenue, room number seventeen; to the Committee on Internal Improvements, room number seventeen; to the Committee on Contingent Expenses, room number fifty-five; to the Committee on Claims, room number fifty-five; to the Committee on State Library, room number sixty-three; to the Committee on Federal Relations, room number sixty-three; to the Committee on Hospitals, room number sixty-three.

And your committee believe that the committees not named in the foregoing list may perform all the duties assigned them in this chamber.

LINDSEY, }  
HOPKINS, } Committee.  
TUTTLE, }

By Mr. Satterwhite:

**MR. PRESIDENT:** The San Bernardino and Los Angeles delegation, to whom was referred Senate Bill No. 33, beg leave to report the same back with the recommendation that it do pass.

SATTERWHITE,  
BUSH.

On motion of Mr. Satterwhite, the rules were suspended to take up the bill above reported, for consideration.

Vote reconsidered, and the bill referred to the Committee on Agriculture.

By Mr. Bush:

**MR. PRESIDENT:** The Hospital Committee, to whom was referred report on Napa State Insane Asylum, beg leave to report the same back with the recommendation that it be printed.

BUSH, for Committee.

So ordered.

By Mr. Tuttle:

**MR. PRESIDENT:** The delegation from Sonoma have considered Senate Bill No. 30—An Act to amend an Act entitled an Act to fund certain indebtedness of Sonoma County, approved February twelfth, eighteen hundred and seventy-four—report the same back and recommend its passage.

TUTTLE, }  
HILL, } Delegation.

On motion of Mr. Tuttle, the bill was referred to the Committee on Finance.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, December 13th, 1875. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 7—An Act to prevent changes in the text-books in the public schools.

W. IRWIN, Governor.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
SACRAMENTO, December 14th, 1875. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the ninth day of December, adopted Senate joint resolution, relative to Joint Convention and administering oath of office to the Governor and Lieutenant-Governor.

Also, on the thirteenth instant, adopted Senate Concurrent Resolution No. 8—Granting the use of Senate and Assembly Chambers to the Committee of Sacramento on Inauguration Ball.

Also, adopted Senate Concurrent Resolution No. 9—Relative to printing inaugural address of Governor Irwin.

W. M. ORD, Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Lewis—An Act to authorize the Superintendent of Public Instruction to issue a teacher's certificate to Charles Merchant.

Read first and second times.

Mr. Lewis moved to suspend the rules to take the bill up for consideration, on which the ayes and noes were demanded by the requisite number, and the motion prevailed by the following vote :

AYES—Messrs. Beazell, Craig, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Nunan, Pierson, Roach, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—30.

NOES—Messrs. Angney, Bartlett, Bush, Hill, Laine, Lindsey, McTune, O'Connor, and Rogers—9.

Amended, rules further suspended, considered engrossed, read third time, and passed.

By Mr. Evans—An Act for the relief of S. A. Booker.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Roach—An Act to amend section two hundred and forty-three of the Penal Code.

Read first and second times and referred to the Committee on Public Morals.

By Mr. Beazell—An Act to provide for the payment of certain indebtedness incurred by the Directors of the Deaf and Dumb and Blind Asylum.

Read first and second times and referred to the Committee on Public Expenses.



By Mr. Donovan—An Act to repeal an Act entitled an Act for the preservation of seals, or sea lions, at and near the entrance to the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three; also, an Act entitled an Act amendatory of and supplemental to an Act entitled an Act for the preservation of seals, or sea lions, at or near the entrance to the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six; also, to repeal section five hundred and ninety-nine of the Penal Code.

Read first and second times and referred to the San Francisco delegation.

By Mr. O'Connor—An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to this State, approved March twenty-eighth, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Mines and Mining Interests.

Also, an Act authorizing the adjudication of certain claims against the State.

Read first and second times and referred to the Judiciary Committee.

By Mr. Graves—An Act to amend section fifty-eight of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

By Mr. McGarvey—An Act to add additional sections to the Political Code, concerning the sale of public lands.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Howe—An Act for the relief of J. J. Conlin.

Read first and second times and referred to the San Francisco delegation.

By Mr. Farley—An Act recommending to the electors of the State to vote for or against a convention to revise and change the Constitution of the State.

Read first and second times and referred to the Judiciary Committee.

By Mr. Edgerton—An Act to appropriate money to pay the claim of James J. Green.

Read first and second times and referred to the Committee on Claims.

Also, an Act to amend section one thousand five hundred and ninety of the Penal Code.

Read first and second times and referred to the State Prison Committee.

By Mr. Haymond—An Act to amend section one thousand one hundred and eleven of the Penal Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Laine—An Act to amend the Political Code of the State of California, and other Acts concerning military affairs.

Read first and second times and referred to the Committee on Military Affairs.

By Mr. McCune—An Act to appropriate money to pay the claim of Drury Melone.

Read first and second times and referred to the Committee on Claims.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. McFarvey offered a concurrent resolution, concerning the granting of homesteads to soldiers and sailors, their widows and orphans.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Graves:

*Resolved*, That in the contested election case of *Ward v. Montgomery* the Committee on Elections have power to send for persons and papers.

Adopted.

Mr. Turner offered a resolution providing for the appointment of George B. Wolf as Mail Carrier of the Senate.

Referred to the Committee on Contingent Expenses.

By Mr. Farley:

*Resolved*, That A. Caminetti be and he is hereby appointed Assistant Journal Clerk of the Senate, to receive the same per diem as the Journal Clerk, payable out of the appropriation for the contingent expenses of the Senate, payment to date from the eighth day of December, A. D. eighteen hundred and seventy-five.

On motion of Mr. Farley, the rules were suspended and the resolution adopted.

Notices of the introduction of bills were given as follows:

By Mr. Graves—Of an Act amendatory of and supplementary to an Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, passed February fourth, eighteen hundred and seventy-four.

By Mr. Evans—Of an Act making an appropriation to defray the State's expenses in making a proper display at the Centennial Exposition, to be held in Philadelphia, in July, eighteen hundred and seventy-six.

By Mr. Nunan—Of an Act to create and establish a Supervising Board for Public Buildings and Works in the City and County of San Francisco.

By Mr. Pierson—Of an Act providing for the collection of the revenue of the State in quarterly installments, instead of annually.

By Mr. Nunan—Of an Act conferring powers on the Board of Supervisors of the City and County of San Francisco to make necessary changes in the grades in that portion of said city lying southerly of Market street.

By Mr. Tuttle—Of an Act relative to State Prison affairs.

Also, a constitutional amendment relating to the same subject.

By Mr. Nunan—Of an Act for the completion of the new City Hall in San Francisco.

Mr. Bartlett gave notice of the introduction of an Act of similar title.

Mr. Hendricks offered a concurrent resolution, providing for a committee of five from the Senate and three from the Assembly, to investigate matters concerning the approaching National Centennial.

The resolution was laid on the table, on motion of its author.

The proposed amendment to the joint rules was taken from the table and amended to read as follows:

JOINT RULE No. 23. All bills amendatory of the Code must express in the title the number of the section proposed to be amended, added, or repealed.

Mr. O'Connor moved to lay the proposed amendment on the table.  
So ordered.

On motion of Mr. Lewis, the rules were suspended, and the special order set for Wednesday, at twelve o'clock M., being the Governor's appointments, was discharged, and the same made a special order for Friday, at twelve o'clock M.

Mr. Edgerton moved that when the Senate adjourned it do so until eleven o'clock A. M., Thursday.

Carried.

Mr. Lewis moved to take from the table the proposed amendments to joint rule number twenty-three.

Lost.

At one o'clock and forty minutes P. M., on motion of Mr. Haymond, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, December 16th, 1875. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Bonte.

Journal of Tuesday last read and approved.

Mr. Beazell was granted leave of absence for two days.

## PETITION.

Mr. Evans presented a petition, numerously signed by citizens of this State, praying for a liberal appropriation to aid and assist exhibitors in having a creditable display of all the products of our State sent forward to be placed on exhibition in the National Centennial Exhibition, to be held at Philadelphia next year.

Received and laid on the table.

## REPORTS.

Reports were submitted as follows:

By Mr. Lewis:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 11—An Act to amend section three hundred and five of the Civil Code, relating to corporations—have had the same under consideration, and herewith report the bill back and recommend its passage.

Also, Senate Bill No. 6—An Act to amend the Political Code of the State of Connecticut, concerning the redemption of property sold for taxes—and report the same back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 16—An Act amending section four thousand three hundred and twenty-nine of the Political Code—and respectfully recommend that the bill do not pass.

LEWIS, Chairman.

## By Mr. Rogers:

MR. PRESIDENT: A majority of your Committee on Contingent Expenses, to whom was referred the resolution to authorize the Sergeant-at-Arms to furnish each Senator with six daily newspapers, and postage stamps to the amount of fifteen dollars, respectfully report the same back, with an amendment, and recommend the adoption of the resolution as amended.

G. H. ROGERS,

For a Majority of the Committee.

The resolution above reported was taken up, and amended to read as follows:

*Resolved*, That the Sergeant-at-Arms be directed to furnish each Senator, the Lieutenant-Governor, and the Secretary of the Senate with five daily newspapers published in this State, or their equivalent in weeklies, and fifteen dollars' worth of postage stamps, payable out of the appropriation for the contingent expenses of the Senate.

On the adoption of that part of the resolution in reference to newspapers, as amended, the ayes and noes were demanded by Messrs. Lewis, Angney, and Laine, and the Senate refused, by a vote as follows:

AYES—MESSRS. Eakin, Evans, Haymond, Hopkins, Howe, Lewis, Martin, McCoppin, Pierson, Satterwhite, and Tinnin—11.

NOES—MESSRS. Angney, Bartlett, Bush, Craig, Donovan, Edgerton, Flint, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hill, Laine, Lindsey, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, Rogers, Shirley, Spencer, Turner, and Tuttle—26.

On adopting that part of the resolution relating to postage stamps, the ayes and noes were demanded by Messrs. Laine, Fraser, and Angney, and the Senate refused, by a vote as follows:

AYES—MESSRS. Craig, Donovan, Eakin, Evans, Fraser, Haymond, Hopkins, Howe, Martin, McGarvey, Pierson, Satterwhite, and Tinnin—13.

NOES—MESSRS. Angney, Bartlett, Bush, Edgerton, Flint, Gibbons, Graves, Hendricks, Hilborn, Hill, Laine, Lewis, Lindsey, McCoppin, McCune, Montgomery, Nunan, O'Connor, Roach, Rogers, Shirley, Spencer, Turner, and Tuttle—24.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the three resolutions for the appointment of a Mail Carrier, respectfully report the same back with a substitute therefor, and recommend the adoption of the substitute.

ROGERS, Chairman.

The substitute above reported was taken up, reading as follows:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized to employ a suitable person to act as Mail Carrier of this Senate, to be paid the sum of sixty dollars per month, payable out of the appropriation for the contingent expenses of the Senate.

## Substitute adopted.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the resolution to invite Rev. E. H. Ward to officiate as Chaplain of this Senate, respectfully report the same back and recommend its adoption.

ROGERS, Chairman.

The preamble and resolution opposing the employment of a Chaplain, introduced by Mr. Laine, was returned without recommendation.

Mr. Lewis moved to indefinitely postpone the whole matter concerning a Chaplain.

On which the ayes and noes were demanded by Messrs. Fraser, Lewis, and Tinnin, and the Senate refused, by a vote as follows:

AYES—MESSRS. Angney, Bush, Donovan, Eakin, Evans, Gibbons, Graves, Hill, Hopkins, Laine, Lewis, Montgomery, Shirley, Tinnin, and Turner—15.

NOES—MESSRS. Bartlett, Craig, Edgerton, Flint, Fraser, Haymond, Hendricks, Hilborn, Howe, Lindsey, Martin, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Spencer, and Tuttle—22.



## The preamble and resolution offered by Mr. Laine was taken up:

WHEREAS, The people of the State, burdened with taxes and suffering from the effects of a monetary panic, are expecting and demanding of this Legislature the most rigid economy consistent with the public welfare; and whereas, such economy demands that no expenditure of the public moneys should be made that is not absolutely necessary for the public good; and whereas, the Legislature has no right to expend the public funds for any purpose for which a tax cannot be legally imposed upon the people of the State; and whereas, the Constitution of this State and the spirit and genius of our institutions require that there shall be no union of Church and State, or any semblance of it, nor any discrimination or preference as to religious creeds or opinions; and whereas, the prayers of faithful and godly men in all parts of the State, of all religious creeds and persuasions, are being offered up to the Ruler of the Universe without pay from the public treasury, for the people of the State and all their officers and servants; and whereas, the people of the State and the members of the Senate have no uniform creed, faith, practice, or form of worship; and whereas, the appointment of a Chaplain to the Senate is unauthorized by any law of the State, is unnecessary and expensive, involves a preference as to religious creeds, fosters a spirit of rivalry and contention among them, breeds animosity and heart-burnings, lowers the dignity of the ministry to the arena of party politics, destroys the solemnity of prayer by reducing it to a mere formula, tends to unite Church and State, and makes an invidious distinction between the departments of government, by giving a Chaplain to some and denying one to others; therefore, be it

*Resolved*, That no Chaplain be appointed, retained, or paid by the Senate, during this session of the Legislature.

Mr. O'Connor moved the adoption of the preamble and resolution as a substitute for the whole matter; on which the ayes and noes were demanded by Messrs. Martin, Lewis, and Fraser, the vote resulting as follows:

AYES—MESSRS. Angney, Bush, Donovan, Eakin, Evans, Gibbons, Graves, Hill, Hopkins, Laine, Lewis, McCarthy, Montgomery, O'Connor, Shirley, Spencer, Tinnin, Turner, and Tuttle—19.

NOES—MESSRS. Bartlett, Craig, Edgerton, Flint, Fraser, Haymond, Hendricks, Hilborn, Howe, Lindsey, Martin, McCoppin, McCune, McGarvey, Numan, Pierson, Roach, Rogers, and Satterwhite—19.

The President voted in the affirmative, and the substitute was adopted.

The following report was submitted by Mr. Montgomery:

MR. PRESIDENT: The Committee on Mileage beg leave to submit the following report:

NAMES.	Miles.	Amount.	NAMES.	Miles.	Amount.
Lieutenant-Governor, as President of the Senate	234	\$35 10	Howe	234	\$35 10
Angney	368	55 20	Laine	300	45 00
Bartlett	234	35 10	Lewis	290	43 50
Beazell	170	25 50	Lindsey	500	75 00
Bush	1,100	165 00	Martin	146	21 90
Craig	234	35 10	McCarthy	234	35 10
Donovan	234	35 10	McCoppin	234	35 10
Eakin	230	34 50	McCune	50	7 50
Edgerton			McGarvey	450	67 50
Evans	90	13 50	Montgomery	260	39 00
Farley	110	16 50	Numan	234	35 10
Flint	490	73 50	O'Connor	130	19 50
Fraser	100	15 00	Pierson	234	35 10
Gibbons	286	42 90	Roach	234	35 10
Graves	670	100 50	Rogers	234	35 10
Haymond			Satterwhite	1,200	180 00
Hendricks	162	23 30	Shirley	180	27 00
Hilborn	120	18 75	Spencer	190	28 50
Hill	260	39 00	Tinnin	510	76 50
Hopkins	150	22 50	Turner	280	42 50
			Tuttle	260	39 00

MONTGOMERY, { Committee.  
FRASER, }

The report was amended to read as above and adopted.

By Mr. Craig:

SENATE CHAMBER,  
SACRAMENTO, December 16th, 1875. }

Mr. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 35—An Act to authorize the Superintendent of Public Instruction to issue a teacher's certificate to Charles Merchant.

Also, Senate Bill No. 36—An Act for the relief of S. A. Booker.

CRAIG, Chairman.

By Mr. Laine:

Mr. PRESIDENT: Your Committee on Retrenchment of the Public Expenditures would respectfully submit, as a preliminary report, that they have met, and, to some extent, agreed upon a plan of action. They are willing, promptly and to the best of their judgment and ability, to make a diligent and fair inquiry into the expenditures of the several departments of the State Government, and to report such measures as will in their judgment tend to the public weal.

In order, however, that their efforts may be of service to the State, they must have the cordial aid and support of the Senate. The united, firm, and judicious action of this honorable body is necessary, in any case, to the accomplishment of beneficial results. The committee, therefore, would respectfully ask that all bills looking to the retrenchment of public expenditures be referred promptly to them, and that Senators who purpose to introduce measures of this character furnish them with a memorandum of the scope and object of their intended bills. This will give your committee the valuable aid and instruction of the whole Senate, as well as the opportunity to verify and concentrate the enlightened action of this body.

They would add, further, that they are collecting the material and information necessary to enable them to report to the Senate, at an early day, the special matters intrusted to them.

LAINE, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bartlett—An Act to provide for the completion of the building, in the City and County of San Francisco, known as the City Hall.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. Evans—An Act making an appropriation to aid exhibitors from the State of California at the Centennial, to be held in the City of Philadelphia in July, eighteen hundred and seventy-six.

Read first and second times and, with petition heretofore presented, referred to the Committee on Finance.

By Mr. Hilborn—An Act to provide for the redemption of certain bonds of the County of Solano.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Pierson—An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs.

Also, an Act to amend sections seven hundred and fifty-one and seven hundred and fifty-six of the Political Code, in regard to deputies for the Clerk of the Supreme Court.

Bills each read first and second times and referred to the Judiciary Committee.

By Mr. Nunan—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

By Mr. Howe—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Bills each read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. McCoppin—Proposed amendment to the Constitution of the State of California.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were introduced as follows:

By Mr. Edgerton:

*Resolved by the Senate, the Assembly concurring.* That the sale of intoxicating drinks in the Capitol, or within the limits of the Capitol grounds, be and the same is hereby prohibited. And the Secretary of State is hereby requested to see that the resolution is enforced.

Rules suspended and the resolution adopted, and ordered transmitted immediately to the Assembly.

Mr. Roach presented a memorial from the Board of Marine Underwriters of San Francisco, in reference to the establishment of a public marine school, and praying for the passage of a bill offered by Senator Roach, so that the Board of Supervisors of the City of San Francisco may accept the Jamestown as a training-ship for said port.

Received and referred to the San Francisco delegation.

Mr. Howe presented a report from the California Woman's Hospital of San Francisco, which, on motion of Mr. Howe, was referred to the Committee on Finance.

At one o'clock and thirty minutes p. m., on motion of Mr. Lindsey, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER, }  
Friday, December 17th, 1875. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

The Committee on Elections were granted temporary leave of absence.

#### REPORT OF STANDING COMMITTEE.

By Mr. Angney:

MR. PRESIDENT: The Committee on Finance, to whom was referred Senate Bill No. 30—An Act to amend an Act entitled an Act to fund certain indebtedness of Sonoma County, approved February twelfth, eighteen hundred and seventy-four—have had the same under consideration, and recommend that it pass.

ANGNEY, Chairman.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Fraser—An Act to re-enact section one thousand one hundred and sixty-one of the Political Code.

Read first and second times and referred to the Committee on Judiciary.

By Mr. Howe—An Act to amend certain sections of the Political Code regarding the collection of taxes.

Read first and second times and referred to the Judiciary Committee.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Craig offered a resolution, as follows:

*Resolved*, That Pierce H. Ryan, Engrossing Clerk of the Senate, be allowed two weeks' leave of absence; *provided*, he furnish a competent substitute to discharge the duties of his office without extra charge to the State; and *provided* further, that said substitute subscribe to, and file with the Secretary of the Senate, the oath for the faithful discharge of the duties of said office.

Adopted.

Mr. Bartlett offered a resolution providing for the printing of the Senate journal daily.

Referred to the Committee on Contingent Expenses.

Notices of the introduction of bills were given as follows:

By Mr. McCoppin—Of an Act relating to the custody of moneys paid under protest for taxes in the City and County of San Francisco.

By Mr. Shirley—Of an Act fixing the salaries of certain officers in Contra Costa County.

Also, an amendment to the Constitution, in relation to the election of judicial officers and Superintendent of Public Schools.

## GENERAL FILE.

Senate Bill No. 11—An Act to amend section three hundred and five of the Civil Code, relating to corporations.

Passed on the file.

Senate Bill No. 6—An Act to amend the Political Code of the State of California, concerning the redemption of property sold for taxes. Amended and ordered engrossed.

Senate Bill No. 16—An Act amending section four thousand three hundred and twenty-nine of the Political Code.

On motion of Mr. Tuttle, indefinitely postponed.

Mr. Rogers submitted the following report:

MR. PRESIDENT: The Committee on Contingent Expenses, to whom was referred a resolution appointing Joseph N. Owens Porter for the gallery and committee rooms, report the same back and recommend its passage.

GEO. H. ROGERS, Chairman.

The resolution was taken up:

*Resolved*, That Joseph N. Owens be and he is hereby appointed Doorkeeper for the gallery and Porter for the committee rooms of the Senate, at a per diem of four dollars, payable out of the appropriation for the contingent expenses of the Senate.

On motion of Mr. Satterwhite, the resolution was amended by substituting a per diem of two dollars and fifty cents, and adopted as amended.



## Mr. Donovan offered the following:

WHEREAS, The candidates of the different political parties did, at the last election held in the City and County of San Francisco, pledge themselves, if elected, to use their best endeavors to reduce and make equitable the present exorbitant water rates in said city and county: therefore be it

*Resolved*, That a special committee of five be appointed for the purpose of collecting data as to the cost of water in said city, compared with other large cities in the United States, and that said committee are hereby instructed to report to this body on or before the eighteenth of January, eighteen hundred and seventy-six.

## Adopted.

The Chair appointed the following as the committee: Messrs. Donovan, Roach, McCoppin, Bartlett, and Howe.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

### ASSEMBLY CHAMBER.

SACRAMENTO, December 17th, 1875.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the thirteenth instant, under a suspension of the rules, passed Assembly Bill No. 1—An Act to authorize the Trustees of the Town of Hollister to issue bonds for fire and water purposes.

Also, on the sixteenth instant, adopted Senate Concurrent Resolution No. 11—To prevent the sale of intoxicating liquors within the limits of the State Capitol grounds.

Also, passed Assembly Joint Resolution No. 3—Relative to a breakwater at the Port of San Luis Obispo.

C. W. O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Joint Resolution No. 3, above reported, read first and second times and referred to the Committee on Federal Relations.

Assembly Bill No. 1, above reported, read first and second times and referred to the Committee on Corporations.

## UNFINISHED BUSINESS.

The resolution in reference to Mail Carrier, adopted on yesterday as a substitute for other resolutions, was taken up and adopted as the amended resolution.

[President in the chair.]

The substitute adopted on yesterday for the resolution in reference to a Chaplain was taken up. On the question of adopting the resolution offered by Mr. Laine as the amended resolution, the ayes and noes were demanded by Messrs. McCoppin, Howe, and Roach, and was so adopted by the following vote:

AYES—Messrs. Angney, Bush, Donovan, Eakin, Evans, Farley, Gibbons, Graves, Hill, Hopkins, Laine, Lewis, McCarthy, Montgomery, O'Connor, Shirley, Spencer, Tinnin, and Turner—19.

NOES—Messrs. Bartlett, Craig, Edgerton, Flint, Fraser, Raymond, Hendricks, Howe, Lindsey, Martin, McCoppin, McCune, McGarvey, Numan, Pierson, Roach, Rogers, and Satterwhite—18.

On motion of Mr. Tinnin, the special order set for this day at twelve o'clock M.—being certain official appointments made by the Governor since the adjournment of the last Legislature—was postponed until Wednesday, January fifth, eighteen hundred and seventy-six, at one o'clock P. M.

Mr. Fraser, by leave, offered the following:

*Resolved*, That the sum of fifty dollars be paid out of the Contingent Fund of the Senate to Rev. J. H. C. Bonte, for services as Chaplain of the Senate since the commencement of the present session—to be paid out of appropriation for contingent expenses of the Senate.

Rules suspended and the resolution adopted.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Lewis, the Senate adjourned until to-morrow at twelve o'clock M.

## IN SENATE.

SENATE CHAMBER, )  
Saturday, December 18th, 1875. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Mr. Rogers was granted indefinite leave of absence; Mr. Roach for two days, and Mr. Hopkins for one day.

The President appointed Messrs. Roach, Bartlett, and Laine, the Joint Committee on Printing, on the part of the Senate.

## GENERAL FILE.

Senate Bill No. 11—An Act to amend section three hundred and five of the Civil Code, relating to corporations—amended, and ordered engrossed.

Senate Bill No. 30—An Act to amend an Act entitled an Act to fund certain indebtedness of Sonoma County, approved February twelfth, eighteen hundred and seventy-four—ordered engrossed.

## REPORTS OF STANDING COMMITTEES.

By Mr. Hendricks:

MR. PRESIDENT: The Committee on Contingent Expenses, to whom was referred resolution making it the duty of the Minute Clerk to furnish the printer with a daily copy of Senate proceedings, and authorizing him to appoint an assistant, have examined the same, and believing that it will be a convenience to the members, will insure a more accurate print of the journal, and at a less cost than heretofore, unanimously recommend and urge its passage.

HENDRICKS, for Committee.

*Resolved*, That the Minute Clerk be directed to furnish the State Printer daily with a copy of the Senate proceedings, to be printed in book form, and laid upon the desks of Senators each morning, as the complete Senate journal. In order to do this, he is authorized to appoint an assistant, at a per diem of six dollars, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. Craig:

SENATE CHAMBER, )  
SACRAMENTO, December 18th, 1875. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 6—An Act to amend the Political Code of the State of California, concerning the redemption of property sold for taxes.

- CRAIG, Chairman.

By Mr. Howe:

MR. PRESIDENT: The Committee on Commerce and Navigation, have had under consideration Senate Bill No. 17—An Act to repeal article eleven of chapter one, title six, of the Political Code, and Senate Bill No. 18—An Act to grant further powers to the Board of State Harbor Commissioners—and report the same back, and recommend their passage.

ROBERT HOWE, Chairman.

Subsequently, on motion of Mr. Howe, the rules were suspended and the bills above reported taken up.

Senate Bill No. 17—Rules further suspended, the bill considered engrossed, read third time, and passed.

Senate Bill No. 18—On motion of Mr. Edgerton, the bill was referred to the Judiciary Committee, with instructions to report the same on Wednesday next.

By Mr. Donovan, at the request of Mr. Roach:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 59—in reference to the preservation of seals in the Harbor of San Francisco—have considered the same, and recommend its passage.

PHILIP A. ROACH, Chairman.

Referred to the Committee on Commerce and Navigation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tuttle—Proposed amendment to the Constitution.

Read first and second times and referred to the Committee on the Judiciary.

Also, an Act to amend certain sections of the Political Code, to repeal certain sections of said Code, and to add a new section thereto, all relating to salaries.

Read first and second times and referred to the Committee on Finance.

Also, an Act to establish a State Reformatory.

Read first and second times and referred to the Committee on State Prison.

By Mr. Graves—An Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same.

Read first and second times and referred to the Committee on Education.

Also, an Act to amend sections three hundred and forty and twelve hundred and ninety of the Code of Civil Procedure.

By Mr. Pierson—An Act to create a library for the University of California, and to provide a fund therefor.

Also, an Act to amend sections two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, two thousand four hundred and sixty-eight, and two thousand four hundred and sixty-nine of the Civil Code, in relation to partnerships.

Also, an Act to amend section two hundred and twenty-six of the Civil Code, in regard to the adoption of children.

By Mr. Gibbons—An Act to amend section twenty of the Penal Code, concerning the title of amendatory bills.

Also, an Act to amend section twenty-one of the Civil Code, concerning the title of amendatory bills.

Also, an Act to amend section nineteen of the Code of Civil Procedure, concerning the title of amendatory bills.

Also, an Act to amend section twenty of the Political Code, concerning the title of amendatory bills.

By Mr. Laine—An Act to repeal section eight hundred and sixty-nine, and amend section eight hundred and seventy, of the Penal Code.

The above bills were each read first and second times and referred to the Judiciary Committee.

By Mr. Lindsey—An Act to amend section four thousand one hundred and twenty-two of the Political Code, relating to official bonds.

By Mr. Eakin—An Act relating to salaries of certain officers of Tuolumne County.

The above bills were each read first and second times and referred to the Committee on State and County Revenue.

By Mr. Gibbons—An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda, passed March thirtieth, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Corporations.

By Mr. Edgerton—An Act to amend an Act entitled an Act to establish a Penal Code by adding a new section, to be designated as section three hundred and eight.

Read first and second times and referred to the Committee on Public Morals.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

By Mr. Tinnin:

*Resolved*, That during the absence of J. W. Hawkins, Sergeant-at-Arms, Patrick Kean, his Clerk, be authorized to receipt to the Controller of State for warrants, as the deputy of said Hawkins.

Adopted.

By Mr. Pierson—A resolution, which was amended to read as follows:

*Resolved*, That the Secretary of State furnish to each Senator a copy of the statutes of eighteen hundred and seventy-three-four; they to receipt to the Secretary of State for them, and to return them to Secretary of State at the expiration of the session. The same to be paid for out of the appropriation for the contingent expenses of the Senate.

On motion of Mr. O'Connor, the resolution was referred to the Committee on Public Expenditures, with instructions to report the same on Monday next.

By Mr. Tuttle:

*Resolved*, That Senators Turner and Tinnin be added to the Committee on Education.

Rules suspended, and the resolution adopted.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:



## ASSEMBLY CHAMBER.

SACRAMENTO, December 18th, 1875.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, Senate Bill No. 30—An Act for the relief of S. A. Becker.

Also, Assembly Bill No. 17—granting to Mark P. Shaffer, of San Diego County, leave of absence from the State of California for sixty days.

Also, Assembly Bill No. 7—An Act to provide for an additional Justice of the Peace for the Township and County of Los Angeles.

CHARLES W. O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 17, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 7, above reported, read first and second times, rules suspended, read third time, and passed.

At one o'clock and twenty minutes P. M., on motion of Mr. Lewis, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,

Monday, December 20th, 1875. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of Saturday last read and approved.

Mr. Hopkins was granted an indefinite leave of absence; Messrs. Farley, Graves, McCune, Pierson, Numan, and Craig, for one day each.

## REPORTS.

Reports were submitted as follows:

By Mr. Howe:

MR. PRESIDENT: The Committee on Commerce and Navigation have had under consideration Senate Bill No. 39—An Act to amend an Act entitled an Act for the preservation of seals and sea lions, at or near the entrance to the Harbor at San Francisco, approved April eighteenth, eighteen hundred and sixty-three; also an Act supplementary and supplementary thereto, approved March thirty-first, eighteen hundred and sixty-six; also to repeal section five hundred and ninety-nine of the Penal Code—and report the same back and recommend its passage.

HOWE, Chairman.

By Mr. McCarthy:

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 36—An Act for the relief of S. A. Becker—and this day, at eleven o'clock A. M., presented the same to the Governor.

MCCARTHY, Chairman.

By Mr. Flint:

MR. PRESIDENT: Your Committee on Engraving have examined and find correctly engrossed Senate Bill No. 11—An Act to amend section three hundred and five of the Civil Code relating to corporations.

Also, Senate Bill No. 30—An Act to amend an Act entitled an Act to fund certain indebtedness of Sonoma County, approved February twelfth, eighteen hundred and seventy-four.

Also, Senate Bill No. 17—An Act to repeal article eleven of chapter one, title six, of the Political Code.

FLINT.

HOWE.

For the Committee.

Subsequently, on motion of Mr. Bartlett, the rules were suspended and Senate Bill No. 11, above reported, taken up.

Rules further suspended, read third time, and passed.

On motion of Mr. Tuttle, the rules were suspended to take up Senate Bill No. 30, above reported. Rules further suspended, read third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Haymond—An Act to amend section fifty of the Code of Civil Procedure.

Also, an Act to amend section seven hundred and eighty-three of the Penal Code.

By Mr. Shirley—An Act to regulate salaries and to fix the compensation of certain officers in the County of Contra Costa.

By Mr. McGarvey—An Act to amend section four hundred and eighty-seven of the Penal Code, relating to crimes and punishments.

Also, an Act to add another section to the Civil Code, relating to corporations.

Also, an Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishments.

Also, an Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of lands for taxes.

By Mr. Turner—Proposed amendment to the Constitution of the State of California.

By Mr. Laine, for the Special Committee on Retrenchment and Reform—An Act to abolish the State Board of Tide Land Commissioners, and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code.

Each of the above bills were read first and second times and referred to the Judiciary Committee.

By Mr. Martin (by request)—An Act to fix the compensation of the County Judge of Placer County.

Read first and second times and referred to the Judiciary Committee, with petitions accompanying the same.

By Mr. Haymond—An Act to provide a system of irrigation.

Read first and second times and referred to the Committee on Irrigation and Water Rights.

By Mr. Edgerton—An Act to provide for the payment of the claim of John Breuner.

Read first and second times and referred to the Committee on Claims.

By Mr. Evans—An Act to provide for the assessment of incumbered real estate.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Tuttle—An Act to repeal certain sections of the Political Code relating to public schools.

Also, an Act to repeal certain sections of the Political Code relating to public schools.

Each of the above bills read first and second times and referred to the Committee on Education.

By Mr. Laine—An Act to repeal sections three hundred and sixty-three and seven hundred and two of the Political Code.

Read first and second times, rules suspended, and the bill taken up for consideration. Amended. Rules further suspended, considered engrossed, read third time, and passed. Title amended.

By Mr. Laine—An Act to amend section three hundred and thirty of the Penal Code.

Read first and second times and referred to the Committee on Public Morals.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were offered as follows:

By Mr. Haymond:

WHEREAS, The policy of permitting the lands of the State to be monopolized in the hands of the few, at the expense of the many, is subversive of the rights of the people and ruinous to the best interests of the State; therefore, be it

*Resolved*, That the Judiciary Committee of the Senate be instructed to prepare and report to the Senate, at an early day, a bill to prevent the evils arising from land monopoly.

Adopted.

By Mr. McGarvey:

*Resolved*, That the Secretary of the Senate be and he is hereby required to deliver to the Superintendent of State Printing, for the purpose of printing the same, all original bills and concurrent resolutions, taking his receipt therefor, and when the same is printed to be returned to the Secretary.

Lost.

By Mr. Donovan—A resolution providing for the appointment of a clerk to the Committee on Public Buildings other than Prison Buildings.

Referred to the Committee on Contingent Expenses.

#### NOTICE.

Notice of the introduction of a bill was given as follows:

By Mr. Tuttle—Of an Act to prescribe the manner of supplying text-books for the common schools of this State.

#### GENERAL FILE.

Senate Bill No. 6—An Act to amend the Political Code of the State of California, concerning the redemption of property sold for taxes.

Read third time and passed.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

## ASSEMBLY CHAMBER,

SACRAMENTO, December 20th, 1875. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 46—An Act fixing bonds of County Treasurer of the Counties of Mariposa and Calaveras.

C. W. O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 46, above reported, read first and second times, and referred to the Judiciary Committee, with instructions to report to-morrow.

At eleven o'clock and fifty-three minutes A. M. Mr. Satterwhite moved to adjourn.

Lost.

Mr. McCoppin, by leave, submitted the following resolution:

*Resolved*, That the Printing Committee be and hereby are directed to have all bills copied and printed in the order of their presentation.

Mr. O'Connor moved to refer the resolution to the Committee on Rules, with instructions to amend by including that bills should be engrossed and enrolled in their order, and should be printed on paper of uniform size.

So ordered.

At twelve o'clock and seven minutes P. M. Mr. Bush moved to adjourn.

Lost.

Mr. Lewis moved a call of the Senate.

Lost.

At twelve o'clock and ten minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,

Tuesday, December 21st, 1875. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Messrs. Farley and Roach were granted leave of absence for one day each.

## REPORTS.

Reports were submitted as follows:

By Mr. Lewis:

Mr. PRESIDENT: The Judiciary Committee have had under consideration Senate Bills Nos. 3, 4, and 10, and report the same back, with a recommendation that they do not pass. " " "



Mr. Evans moved to dispense with the further reading of the report, and that it be printed.  
So ordered.

MR. PRESIDENT: Your committee have also had under consideration Senate Bill No. 86, entitled "An Act to fix the salary of the County Judge of Placer County," and herewith report the same back, with the recommendation that the bill do not pass.

E. J. LEWIS, Chairman.

By Mr. Angney:

MR. PRESIDENT: The Committee on Public Lands, to whom was referred Concurrent Resolution No. 12, concerning the granting of homesteads to soldiers and sailors, their widows and orphans, have considered the same and report it back with amendments, and recommend its passage as amended.

ANGNEY, Chairman.

By Mr. Tinnin:

MR. PRESIDENT: The Committee on Public Expenditures have had under consideration Senate Bill No. 23—An Act to amend section two hundred and sixty-six of the Political Code of the State of California, concerning the compensation of members of the Legislature—report the bill back, and the majority of the committee recommend that the bill do not pass.

TINNIN, Chairman.

MR. PRESIDENT: The Committee on Public Expenditures have also had under consideration Senate Bill No. 32—An Act to amend section two thousand one hundred and seven, and to repeal section two thousand one hundred and twelve, of the Political Code of the State of California—report the bill back, and recommend that it do pass.

TINNIN, Chairman.

MR. PRESIDENT: The Committee on Public Expenditures have also had under consideration a resolution to furnish the members of the Senate with the statutes of eighteen hundred and seventy-three and eighteen hundred and seventy-four. Report that there are no copies in the hands of the Secretary of State which can be used for that purpose, and that Bancroft & Co., of San Francisco, have thirty copies which they propose to sell for five dollars per copy. The committee report the resolution back without recommendation.

TINNIN, Chairman.

By Mr. Martin:

MR. PRESIDENT: The Committee on Public Lands, to whom was referred Senate Bill No. 76—An Act to prevent the sale of intoxicating liquors in the State Capitol—beg leave to report the said bill back, and recommend its passage.

MARTIN, Chairman.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 46—An Act to appropriate money to pay the claim of James J. Green—have had the same under consideration, and respectfully report it back and recommend its passage.

Also, Senate Bill No. 56—An Act to appropriate money to pay the claim of Drury Melone— and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

O'CONNOR, Chairman.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
SACRAMENTO, December 20th, 1875. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed a resolution relative to appointing a committee of five, to consult with a similar committee from the Senate, to inquire into the water rates in and for the City of San Francisco; and in conformity therewith the Speaker appointed Assembly members Sullivan, Garretson, Harding, Coffey, and Dixon, on said committee.

Also, on same date, the Speaker appointed Assembly members Clarken, Wood, and Ferral, on Joint Committee on Printing, under rule eighteen of joint rules.

Also, on same date, passed substitute for Senate Bill No. 35.

C. W. O'NEIL, Assistant Clerk.

On motion of Mr. Evans, the resolution above reported was ordered returned to the Assembly.

Substitute for Senate Bill No. 35, above reported. The Senate concurred in the Assembly amendments to the bill.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to amend section seven hundred and ninety-eight of the Political Code, relating to Notaries' fees.

Read first and second times and referred to the Special Committee on Retrenchment and Reform.

By Mr. Lindsey—An Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges.

By Mr. O'Connor—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relating to the removal of county seats.

The bills were each read first and second times and referred to the Judiciary Committee.

By Mr. O'Connor—An Act to amend section three thousand seven hundred and eighty-five of the Political Code of the State of California.

Read first and second times and referred to the Special Committee on Retrenchment and Reform.

By Mr. Hendricks—An Act granting relief to delinquent taxpayers whose lands have been sold to the State.

By Mr. Shirley—An Act to regulate fees of office, and to fix the compensation of certain officers in the County of Contra Costa.

The above bills were each read first and second times and referred to the Judiciary Committee.

By Mr. McCune—An Act to enable John Hoagland and others to sue the City of Sacramento.

Read first and second times and referred to the Sacramento delegation, with a memorial accompanying the same.

By Mr. Tinnin—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, in regard to the registration of voters.

By Mr. Pierson—An Act to amend section fifty-nine of the Civil Code of the State of California.

The above bills were each read first and second times and referred to the Judiciary Committee.

By Mr. Rogers—An Act to authorize the City and County of San Francisco to provide and maintain public water works for said city and county, and to condemn and purchase private property for that purpose.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. Haymond—An Act to authorize the Board of Supervisors of Sacramento County to acquire certain toll bridges, or to construct free bridges in place thereof.

Read first and second times, referred to the Sacramento delegation, and ordered printed.

By Mr. Haymond—An Act to amend section three thousand seven hundred and fifty-six of the Political Code.

Read first and second times, rules suspended, and the bill taken up. Rules further suspended, considered engrossed, read third time, and passed: and ordered transmitted immediately to the Assembly without engrossment.

By Mr. Rogers—An Act for the protection of quail in the Counties of San Francisco and San Mateo, Contra Costa, Alameda, and Marin.

Read first and second times, and referred to the delegations of the counties named in the bill.

By Mr. Roach—An Act to establish and maintain a training-ship in the City and County of San Francisco.

Also, an Act to authorize the widening of Dupont street, in the City of San Francisco.

Read first and second times and referred to the San Francisco delegation, and ordered printed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. McCoppin offered a resolution as follows:

*Resolved*, That the resolution heretofore authorizing the employment of a clerk to copy the Senate Journal for the Printer be and the same is hereby rescinded.

The hour for the special order having arrived (being the consideration of the general file), on motion of Mr. Lewis it was temporarily postponed.

Mr. Lewis offered the following substitute for the resolution:

*Resolved*, That the President of the Senate be and he is hereby authorized to employ a short-hand reporter to report the proceedings of the Senate, to be paid ten dollars per diem, out of the appropriation for the contingent expenses of the Senate. The duties of said reporter to commence on the third day of January, eighteen hundred and seventy-six.

On motion of Mr. Edgerton the whole matter embraced in the resolutions was referred to the Committee on Contingent Expenses, with instructions to report to-morrow.

By Mr. Lindsey—A concurrent resolution, relating to the Atlantic and Pacific Railroad reserve.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Bush:

*Resolved*, That the Committee on Hospitals be allowed a clerk, at the per diem of five dollars, payable out of the appropriation for the contingent expenses of the Senate, said clerk to be discharged as soon as the committee get through with their investigation.

Mr. Bush moved a suspension of the rules to place the resolution on its passage, on which the ayes and noes were demanded by Messrs. Edgerton, Pierson, and Lindsey, and the motion prevailed by a vote as follows:

AYES—Messrs. Augney, Bartlett, Benzell, Craig, Donovan, Eakin, Edgerton, Flint, Gibbons, Graves, Haymond, Hendricks, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, Metcalf, Montgomery, Numan, Pierson, Satterwhite, Sharley, Spencer, and Tattle—26.

NOES—Messrs. Evans, Fraser, Hilborn, Hill, Howe, McCune, O'Connor, Rogers, Timin, and Turner—10.

The resolution was adopted.

By Mr. Tuttle:

*Resolved*, That the biennial message of Governor Pacheco be referred as follows: So much as relates to finances, to the Committee on Finance; so much as relates to public lands, to the Committee on Public Lands; so much as relates to irrigation, to the Committee on Irrigation and Water Rights; and those portions relating to the State University, Normal School, and common schools, to the Committee on Education; so much as relates to the State Library, to the Committee on State Library; that portion relating to the State Board of Health, to the Committee on Hospitals; so much as relates to the State Prison, to the Committee on State Prison and Prison Buildings; so much as relates to capital punishment, to the Committee on the Judiciary; that portion relating to the Insane Asylums, to the Committee on Hospitals; that portion relating to the State Capitol and new structures, to the Committee on Public Buildings other than Prison Buildings; that portion relating to the National Guard, to the Committee on Military Affairs; so much as relates to the Yosemite Valley and fish culture, to the Committee on Agriculture; that portion relating to the National Centennial celebration, to the Committee on Federal Relations.

Adopted.

[Mr. Rogers in the chair.]

#### GENERAL FILE.

Senate Bill No. 39—An Act to repeal an Act entitled an Act for the preservation of seals and sea lions at and near the entrance to the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three; also, an Act entitled an Act amendatory of and supplementary to an Act entitled "An Act for the preservation of seals and sea lions at or near the entrance to the Harbor of San Francisco," approved April eighteenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six; also, to repeal section five hundred and ninety-nine of the Penal Code.

Mr. Haymond moved to refer the bill to the Judiciary Committee.  
Lost.

On the question of engrossment, the ayes and noes were demanded by Messrs. Evans, Haymond, and Hilborn.

Mr. Haymond moved to refer the bill to the Judiciary Committee.

Mr. Donovan moved to amend by adding "with instructions to report to-morrow."

Amendment lost.

The motion to refer to the Judiciary Committee prevailed, and the bill was so referred.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,

SACRAMENTO, December 21st, 1875. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-first instant, passed, under a suspension of the rules, Senate Bill No. 17—An Act to repeal article eleven of chapter one, title six, of the Political Code.

FERRAL, Chief Clerk.

ASSEMBLY CHAMBER,

SACRAMENTO, December 21st, 1875. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this date passed Assembly Bill No. 26—Entitled an Act amendatory of an Act to amend an Act entitled an Act to protect agriculture and to prevent trespass of animals on private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, on same date, passed Assembly Bill No. 54—Entitled an Act granting leave of absence to William B. Beville, Assessor of Colusa County.

Also, on same date, Assembly Bill No. 52—Entitled an Act to fund certain indebtedness of Plumas County.



Also, Assembly Bill No. 67—Entitled an Act for the support of the State Printing Office.

Also, Assembly Concurrent Resolution relative to adjournment of both Houses on Wednesday, December twenty-second, until Monday, January third, eighteen hundred and seventy-six.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 26, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 54, above reported, read first and second times.

Mr. Lewis moved to suspend the rules to consider the bill.

Carried.

On motion of Mr. Evans, the bill was referred to the Judiciary Committee.

Assembly Bill No. 52, above reported, read first and second times.

On motion of Mr. Hendricks, the bill was referred to the Judiciary Committee.

Assembly Bill No. 67, above reported, read first and second times.

Mr. Tuttle moved to suspend the rules to place the bill on its passage.

Carried.

Rules further suspended, read third time, and passed.

Assembly Concurrent Resolution No. 11, above reported.

Mr. Tinnin offered an amendment as follows: Strike out "Monday, January third, eighteen hundred and seventy-six," and substitute therefor "Tuesday, December twenty-eight, at two o'clock p. m."

On which the ayes and noes were demanded by Messrs. Evans, Tinnin, and Angney, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Evans, Fraser, Haymond, Hilborn, Hill, McCune, Montgomery, O'Connor, Pierson, Shirley, Tinnin, and Turner—13.

NOES—Messrs. Bartlett, Beazell, Bush, Craig, Donovan, Eakin, Flint, Graves, Hendricks, Howe, Laine, Lindsey, Martin, McCarthy, McCoppin, McCarvey, Numan, Roach, Rogers, Satterwhite, Spencer, and Tuttle—22.

Mr. Turner moved to amend by striking out "to-morrow," and to insert "Thursday, December twenty-third," on which the ayes and noes were demanded by Messrs. Evans, Hilborn, and Shirley, and the amendment was lost, by a vote as follows:

AYES—Messrs. Angney, Edgerton, Evans, Graves, Haymond, Hilborn, Howe, Lewis, McCune, O'Connor, Pierson, Roach, Shirley, Spencer, Tinnin, Turner, and Tuttle—17.

NOES—Messrs. Bartlett, Beazell, Bush, Craig, Donovan, Eakin, Flint, Fraser, Hendricks, Hill, Laine, Lindsey, Martin, McCarthy, McCoppin, McCarvey, Montgomery, Numan, Rogers, and Satterwhite—20.

Mr. Evans moved to strike out two o'clock as the hour of meeting on January third, eighteen hundred and seventy-six, and to insert three o'clock p. m.

Lost.

When the resolution was concurred in.

Mr. McCarthy submitted the following report:

#### SENATE CHAMBER.

SACRAMENTO, December 21st, 1875.

MR. PRESIDENT: Your Committee on Enrollment have examined, and find correctly enrolled, substitute for Senate Bill No. 35—An Act to authorize the Superintendent of Public Schools for the County of Tehama to appropriate certain school money, etc.—and this day presented the same to the Governor for his approval.

McCARTHY, Chairman.

Mr. Roach offered a joint resolution in regard to granting pensions to soldiers in the Mexican war.

Read first and second times and referred to the Committee on Federal Relations.

Mr. McCune offered a resolution in relation to a final adjournment, which, on motion of its author, was referred to the Committee on Contingent Expenses.

By Mr. McCune:

*Resolved*, That Senators Laine and Lindsey be added to the Committee on Swamp, Overflowed, and Tide Lands.

Rules suspended and the resolution adopted.

Mr. McCarthy gave notice of the introduction of an Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires, and of saving property and human life from conflagrations.

Mr. Craig submitted a report, as follows:

SENATE CHAMBER,  
SACRAMENTO, December 21st, 1875. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 91—An Act to repeal sections three hundred and sixty-three and seven hundred and two of the Political Code.

CRAIG, Chairman.

At one o'clock and forty minutes P. M., on motion of Mr. Bartlett, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, December 22d, 1875. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Beazell presented a petition from citizens of the State, in reference to the payment of expenses of witnesses called before Grand Juries and criminal Courts.

Received and referred to the Judiciary Committee.

Mr. Evans presented a petition, numerous signed, requesting the passage of an Act exempting active firemen of the County of San Joaquin from military and jury duty and the payment of poll tax.

Received and temporarily laid on the table.

Mr. Lewis presented a communication from the Board of Supervisors of Tehama County, asking the repeal of the "No-fence law," now in operation in that county.

Received and referred to the Committee on Agriculture.

## REPORTS.

Reports were submitted as follows:

By Mr. Lewis:

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 28—An Act to protect the citizens of the State of California from empiricism and for the suppression of quackery—and herewith report the same back and recommend that it be referred to the Committee on Hospitals.

Also, Senate Bill No. 42—An Act to amend section fifty-eight of the Code of Civil Procedure—and recommend its passage.

Also, Assembly Bill No. 46—An Act fixing the bonds of the County Treasurers of the Counties of Mariposa and Calaveras—and report the same back with a substitute, and recommend the adoption and passage of the substitute.

Also, Senate Bill No. 48—An Act to amend section one thousand one hundred and eleven of the Penal Code—report the same back and a majority recommend its passage.

Also, Senate Bill No. 55—An Act to amend sections seven hundred and fifty-one and seven hundred and fifty-six of the Political Code, in regard to deputies for the Clerk of the Supreme Court—and report the same back with an amendment, and respectfully recommend the adoption of the amendment and the passage of the bill as amended.

Also, Senate Bill No. 59—An Act to re-enact section one thousand one hundred and sixty-one of the Political Code—and respectfully recommend that it do not pass.

Also, Senate Bill No. 69—An Act to amend section twenty of the Penal Code, concerning the title of amendatory bills—and respectfully recommend that the bill do not pass.

Also, Senate Bill No. 70—An Act to amend section twenty-one of the Civil Code, concerning the title of amendatory bills—and respectfully recommend that it do not pass.

Also, Senate Bill No. 71—An Act to amend section nineteen of the Code of Civil Procedure, concerning the title of amendatory bills—and respectfully recommend that the same do not pass.

Also, Senate Bill No. 72—An Act to amend section twenty of the Political Code, concerning the title of amendatory bills—and respectfully recommend that it do not pass.

Also, Senate Bill No. 18—An Act to grant further powers to the Board of State Harbor Commissioners—referred to the committee with instructions to report the same back on this day, and respectfully ask further time to consider the same.

LEWIS, Chairman.

Senate Bill No. 28, above reported, was referred to the Committee on Hospitals.

The committee were granted further time to report Senate Bill No. 18, as per their request.

By Mr. Rogers:

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the resolution asking for a clerk for the San Francisco delegation, report the same back and unanimously recommend its passage.

Also, recommend the indefinite postponement of the resolution asking for a short-hand reporter.

Also, recommend an amendment to the resolution asking for a clerk for the Building Committee, and the passage of the resolution as amended.

Also, report back the resolution rescinding the resolution to employ a clerk to copy the Senate Journal for the printer, and recommend its indefinite postponement.

ROGERS, Chairman.

By Mr. McCarthy:

SENATE CHAMBER,

SACRAMENTO, December 21st, 1875.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 17—An Act to repeal article eleven of chapter one, title six, of the Political Code, and this day, at five minutes before two o'clock P. M., delivered the same to the Governor.

McCARTHY, Chairman.

By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 26—An Act amendatory of an Act entitled an Act to protect agriculture and to prevent the pass of animals on private property, approved March twenty-sixth, eighteen hundred and sixty-six, have had the same under consideration, respectfully report the same back and recommend its passage.

HILL, Chairman.

On motion of Mr. Edgerton, the rules were suspended and the bill above reported taken up and placed on its passage.

Read third time and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to amend an Act entitled an Act to establish the county line between the Counties of Fresno and Tulare, approved March twenty-seventh, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Shirley—An Act proposing amendments to the Constitution of the State of California.

Read first and second times and referred to the Judiciary Committee.

By Mr. Turner (at the request of Mr. Tuttle)—An Act to prescribe the manner of furnishing text-books for the public schools of this State.

Read first and second times and referred to the Committee on Education.

By Mr. Fraser—An Act to amend an Act, approved March twenty-seventh, eighteen hundred and seventy-four, relative to fees of witnesses in certain counties named therein.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Craig—An Act to open and establish a public street in the City and County of San Francisco, to be called Western Avenue, and to take private lands therefor.

By Mr. McCarthy—An Act to confer certain powers upon corporations organized for the purpose of preventing and discovering fires, and of saving property and human life from conflagration.

The above bills were each read first and second times and referred to the San Francisco delegation, and ordered printed.

By Mr. Evans—An Act to exempt active and exempt firemen from jury duty, military duty, and the payment of poll tax, in the County of San Joaquin.

Read first and second times and, with a petition heretofore presented on the same subject, referred to the Committee on State and County Revenue.

By Mr. Craig—An Act to amend section seven hundred and sixty-six of the Political Code.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. O'Connor offered an amendment to joint rule number twenty-one, which, on motion of its author, was made the special order for January third, eighteen hundred and seventy-six, at four o'clock p. m.

Mr. Graves gave notice of the introduction of an Act providing for the funding of certain indebtedness of San Luis Obispo County.

Mr. Gibbons offered a resolution, which was amended to read as follows:



*Resolved*, That the Finance Committee be instructed to prepare and report, at an early day, a general bill authorizing municipalities to fund their floating indebtedness and to refund funded debts.

Adopted as amended.

The hour to consider the special order, being the general file, having arrived, on motion of Mr. Lewis, it was temporarily postponed.

Mr. Lindsey moved that the Senate now take up for consideration the resolutions reported by the Committee on Contingent Expenses.

So ordered.

*Resolved*, That the resolution heretofore adopted, authorizing the employment of a clerk to copy the Senate Journal for the printer, be and the same is hereby rescinded.

On the question of indefinitely postponing the resolution, as recommended by the committee, the ayes and noes were demanded by Messrs. Evans, McCoppin, and Donovan, and it was indefinitely postponed by a vote as follows:

AYES—Messrs. Bartlett, Bush, Craig, Edgerton, Evans, Flint, Fraser, Gibbons, Hendricks, Hilborn, Howe, Lewis, Lindsey, Martin, McCune, Montgomery, Numan, Roach, Rogers, Spencer, Tinnin, and Turner—22.

NOES—Messrs. Angrey, Beazell, Donovan, Farley, Graves, Haymond, Hill, Laine, McCarthy, McCoppin, McGarvey, O'Connor, and Pierson—13.

*Resolved*, That the Committee on Public Buildings other than Prison Buildings shall be empowered to appoint a clerk for a period of time not exceeding thirty days, at a per diem of five dollars, to be paid out of the appropriation for the contingent expenses of the Senate.

The resolution was amended to read as above, and adopted.

*Resolved*, That the San Francisco delegation be authorized to appoint a clerk to said delegation, at a per diem of five dollars, to be paid out of the appropriation for contingent expenses of the Senate.

On the adoption of this resolution the ayes and noes were demanded by Messrs. Evans, Lewis, and Martin, and it was adopted by a vote as follows:

AYES—Messrs. Angrey, Bartlett, Beazell, Craig, Donovan, Eakin, Farley, Fraser, Graves, Haymond, Hendricks, Hill, Howe, Lewis, Lindsey, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhine, Tinnin, and Tuttle—28.

NOES—Messrs. Bush, Edgerton, Evans, Flint, Gibbons, Hilborn, Laine, Martin, Spencer, and Turner—10.

The resolution in reference to the employment of a short-hand reporter was indefinitely postponed, on motion of Mr. Lewis.

By Mr. Roach:

*Resolved*, That the Special Committee on Water Supply for San Francisco be authorized to employ a clerk for a period of twenty days, at five dollars per day, payable out of the appropriation for the contingent expenses of the Senate.

Mr. Roach moved a suspension of the rules, to place the resolution on its passage.

Lost.

Laid over, under the rules.

#### GENERAL FILE.

Senate Bill No. 3—An Act to extend the time for the payment of taxes for the fiscal year commencing July first, eighteen hundred and seventy-five.

The Senate refused to engross the bill.

Senate Bill No. 4—An Act to amend certain sections of the Political Code, regulating the payment of taxes and making them delinquent semi-annually.

Refused to engross.

Senate Bill No. 10—An Act to amend the Political Code, respecting the collection of taxes.

Refused to engross.

Senate Bill No. 86—An Act to fix the salary of the County Judge of Placer County.

Refused to engross.

Senate Concurrent Resolution No. 12—Concerning the granting of homesteads to soldiers and sailors, their widows and orphans.

Amendment adopted, and ordered engrossed.

Senate Bill No. 23—An Act to amend section two hundred and sixty-six of the Political Code of the State of California, concerning the compensation of members of the Legislature.

Amended, on motion of Mr. Tinnin, by substituting twenty dollars for ten dollars, as it appeared in the bill.

Further amended, on motion of Mr. Haymond.

Mr. Frazer offered an amendment as follows: Amend by inserting, in lieu of the words "three dollars for every twenty miles of travel," the following: "and their necessary traveling expenses to and from their residences to the place of holding the session."

Lost.

Mr. Lewis moved to refer the bill to the Committee on Contingent Expenses, with instructions to amend by fixing twenty dollars as the limit of the amount allowed.

Mr. Edgerton moved, as an amendment, to refer the bill to the Judiciary Committee, with instructions to report a bill on or before the fifth day of January, eighteen hundred and seventy-six, to regulate the supply of stationery, etc.

Amendment adopted, and the bill was so referred.

Mr. Tinnin, by leave, offered the following resolutions:

*Resolved*, That James W. Hawkins, Sergeant-at Arms of the Senate, be authorized to discharge any of the following attachés of the Senate who fail to perform the several duties assigned them: Postmaster, Post-office Page, Mail Carrier, and all Porters. All discharges shall be reported to the Committee on Contingent Expenses, who shall immediately fill the same.

Adopted.

Also:

*Resolved*, That all attachés of the Senate be paid weekly for their services.

Adopted.

Mr. Donovan, by consent, introduced a bill as follows:

An Act to supply free text-books to the pupils of the common schools of this State, and to abolish the Board of Regents of the State University and the present State Board of Education, and to create in lieu thereof a new State Board of Education.

Read first and second times and referred to the Committee on Education, and ordered printed.

Also, an Act to further amend section three thousand three hundred and eighty-two of the Political Code.

Read first and second times and referred to the Committee on State and County Revenue.

Mr. McCoppin presented a memorial from the Fish Commissioners, asking the appointment of standing committees by the Legislature, who may receive information and recommend such legislation as they may deem proper, in reference to the fish industries of this State.

Received and referred to the Judiciary Committee.

#### ADJOURNMENT.

At two o'clock and eight minutes P. M., on motion of Mr. Edgerton, the Senate adjourned, when the President pro tem. announced the adjournment to extend to Monday, January third, eighteen hundred and seventy-six, at two o'clock P. M., in accordance with a concurrent resolution adopted by both Houses on yesterday.

#### IN SENATE.

SENATE CHAMBER,  
Monday, January 3d, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and no quorum present.

#### ADJOURNMENT.

At two o'clock and twelve minutes P. M., on motion of Mr. Satterwhite, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, January 4th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

On motion of Mr. Bartlett, the reading of the journal of Wednesday, December twenty-second, eighteen hundred and seventy-five, was dispensed with, and approved.

Journal of yesterday read and approved.

Messrs. Martin and Edgerton were granted indefinite leave of absence, and Mr. Howe for one day.

#### PRESENTATION OF PETITIONS.

Mr. Roach presented a protest from the Committee on Legislation of the State Medical Society of Homeopathic Practitioners, against

the passage of an Act to suppress quackery, etc., heretofore introduced, and recommending the passage of a bill embodied in the protest, in reference to the same subject.

Received and referred to the Committee on Hospitals.

#### REPORTS OF STANDING COMMITTEES.

Mr. Pierson, from the Committee on Standing Rules, reported a resolution, heretofore referred to that committee, in reference to copying and printing bills in their order; and that engrossed and enrolled bills should be engrossed, enrolled, and reported in their order also; that all bills shall be printed on paper of uniform size, together with a report upon the subject, which was ordered placed on file.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, December 22d, 1875. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 36—An Act for the relief of S. A. Booker.

Also, Senate Bill No. 35—An Act to authorize the Superintendent of Public Schools for the County of Tehama to apportion certain moneys, and to draw his warrant for the same.

Also, Senate Bill No. 17—An Act to repeal article eleven, chapter one, title six, of the Political Code.

W. IRWIN, Governor.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
SACRAMENTO, December 22d, 1875. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this date passed Assembly Joint Resolution No. 12—Relative to instructing our Representatives in Congress to use all honorable means in their power to procure an increase of the mail service on Mail Route No. 46,138.

CHAS. W. O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, December 22d, 1875. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this date passed, under suspension of the rules, Assembly Concurrent Resolution No. 13—Relative to printing two thousand copies of the inaugural address of Governor Irwin in the Spanish language.

CHAS. W. O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, January 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on the above date passed an Act entitled an Act to find certain indebtedness in Sonoma County, approved February twelfth, eighteen hundred and seventy-four.

CHAS. W. O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Joint Resolution No. 12, above reported, read first and second times.

On motion of Mr. Graves, the rules were suspended, read third time, and adopted.



Assembly Concurrent Resolution No. 13, above reported.

On motion of Mr. O'Connor, the resolution was referred to the Committee on Printing, with instructions to report the same on Thursday next.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to amend an Act entitled an Act to provide for the location and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. McGarvey—An Act entitled an Act to incorporate the Town of Ukiah City, in the County of Mendocino.

Read first and second times and referred to the Committee on Corporations.

By Mr. Roach—An Act supplementary to and amendatory of an Act approved March thirtieth, eighteen hundred and seventy-four, entitled an Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to convey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirteenth, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy.

Read first and second times and referred to the San Francisco delegation.

By Mr. Roach—An Act to amend section twelve hundred and forty-three of the Civil Code.

By Mr. Haymond—An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal section four hundred and sixty-two of the Penal Code.

The above bills were each read first and second times and referred to the Judiciary Committee.

By Mr. Haymond—An Act to add three sections to the Political Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hilborn—An Act making the County Recorder of Solano County ex officio Auditor of said county, and fixing his compensation.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Pierson—An Act to amend sections ninety-two, one hundred and twenty-four, one hundred and forty-six, and one hundred and forty-seven, and to repeal sections ninety-four to one hundred and seven inclusive, and sections one hundred and eighteen, one hundred and nineteen, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, and one hundred and forty-four, of the Civil Code, in relation to divorcees.

Also, an Act to amend section nine hundred and forty-six of the Code of Civil Procedure, in relation to appeals.

Also, an Act to amend section twelve hundred and forty-three of the Civil Code, in relation to homesteads.

The above bills were each read first and second times and referred to the Judiciary Committee.

By Mr. Pierson—An Act to appropriate money to pay the claim of John L. Love.

Read first and second times and referred to the Committee on Claims.

By Mr. McCoppin—An Act to provide for the completion of the new City Hall in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Shirley—An Act to amend section twelve hundred and forty-three of the Civil Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. O'Connor—An Act to provide for the appointment of a Commissioner of Transportation, and prevent extortion and discrimination in fares and freights on railroads within this State.

Read first and second times and referred to the Committee on Corporations, and ordered printed.

By Mr. Turner—An Act to amend section seventeen hundred and ninety-two of the Political Code, relating to teachers' certificates.

Read first and second times and referred to the Committee on Education.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Haymond offered a resolution, as follows:

*Resolved*, That the Sergeant-at-Arms of the Senate is hereby authorized to deliver to the State Board of Equalization two hundred copies of their report.

Adopted.

#### GENERAL FILE.

Senate Bill No. 32—An Act to amend section two thousand one hundred and seven, and to repeal section two thousand one hundred and twelve of the Political Code of the State of California.

Rules suspended, considered engrossed, read third time, and passed.

Resolution to furnish statutes of eighteen hundred and seventy-three-four.

On motion of Mr. Laine, the resolution was indefinitely postponed.

Senate Bill No. 76—An Act to amend an Act entitled an Act to establish a Penal Code, by adding a new section, to be designated section three hundred and eight.

On motion of Mr. Haymond, the bill was referred to the Judiciary Committee.

Senate Bill No. 46—An Act to appropriate money to pay the claim of James J. Green.

On motion of Mr. Laine, made a special order for Thursday, January sixth, at twelve o'clock M.

Senate Bill No. 50—An Act to appropriate money to pay the claim of Drury Melone.

On motion of Mr. McCune, made a special order for Thursday, January sixth, at twelve o'clock M.

Senate Bill No. 42—An Act to amend section fifty-eight of the Code of Civil Procedure.

On motion of Mr. Graves, the rules were suspended, the bill considered engrossed, read third time, and passed.

Assembly Bill No. 46—An Act fixing the bonds of the County Treasurers of the Counties of Mariposa and Calaveras.

Amended.

On motion of Mr. Farley, made a special order for Thursday, January sixth, at twelve o'clock M.

Senate Bill No. 48—An Act to amend section one thousand one hundred and eleven of the Penal Code.

Mr. Bartlett moved to recommit the bill to the Judiciary Committee.

So ordered.

Senate Bill No. 55—An Act to amend sections seven hundred and fifty-one and seven hundred and fifty-six of the Political Code, in regard to deputies for the Clerk of the Supreme Court.

Amendment adopted.

Mr. Haymond moved to refer the bill to the San Francisco delegation.

Lost.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 59—An Act to re-enact section one thousand one hundred and sixty-one of the Political Code, relating to election polls.

On motion of Mr. Fraser, the bill was indefinitely postponed.

Senate Bill No. 69—An Act to amend section twenty-four of the Penal Code, concerning the title of amendatory bills.

Mr. Farley moved to indefinitely postpone the bill.

Lost.

On engrossment, the ayes and noes were demanded by Messrs. O'Connor, Lewis, and Laine, and the Senate refused to engross the bill, by a vote as follows:

Ayes—Messrs. Aroney, Bezzell, Bush, Donovan, Eakin, Evans, Fraser, Gibbons, Hendricks, Hill, Laine, Montgomery, Nunan, Pierson, Roach, Spencer, Tinnin, and Turner—18.

Noes—Messrs. Bartlett, Craig, Farley, Flint, Graves, Haymond, Helburn, Lewis, Lindsey, McCarthy, McCoppin, McTune, McGarvey, O'Connor, Rogers, Satterwhite, Shirley, and Tuttle—18.

Senate Bill No. 70—An Act to amend section twenty-one of the Civil Code, concerning the title of amendatory bills.

Mr. Bartlett offered the following amendment: Strike out, after the word "section" and before the word "out," in the sixth line, and insert "bills repealing portions of the Code shall state the Code and number of the section proposed to be repealed."

Lost.

On motion of Mr. Gibbons, the bill was indefinitely postponed.

Senate Bill No. 71—An Act to amend section nineteen of the Code of Civil Procedure, concerning the title of amendatory bills, and Senate Bill No. 72—An Act to amend section twenty of the Political Code, concerning the title of amendatory bills—were indefinitely postponed, on motion of Mr. Lewis.

Mr. Roach, by leave, offered a joint resolution in relation to the Presidio Reservation.

Read first and second times and referred to the Committee on Federal Relations, and ordered printed.

## SPECIAL ORDER.

The special order for Monday, January third, eighteen hundred and seventy-six, at four o'clock p. m.—amendment to Joint Rule No. 21—was taken up, and by unanimous consent the author was allowed to withdraw the same.

## GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 4th, 1876. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have made this day the following official appointments, and ask that the same be by you confirmed:

As Pilot Commissioners for the Ports of San Francisco, Mare Island, and Benicia—Thomas W. Badger, vice S. P. Wells, removed; Daniel McNeil, vice Charles Nelson, removed; William Galloway, vice A. Y. Trask, removed.

W. IRWIN, Governor.

## CONSIDERATION OF GOVERNOR'S MESSAGE.

Mr. Pierson moved to make the consideration of the Governor's message a special order for Wednesday, January twelfth, at twelve o'clock m.

Carried.

## ADJOURNMENT.

At one o'clock and thirty minutes p. m., on motion of Mr. Satterwhite, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER, }  
Wednesday, January 5th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Lewis:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 17—Entitled an Act to grant Mark P. Shaffer, Assessor of San Diego County, leave of absence from the State of California for sixty days—and herewith report the same back with the recommendation that it do not pass.



Also, Senate Bill No. 29—Entitled an Act to add an additional section to the Code of Civil Procedure—and report the same back with a substitute, and respectfully recommend the adoption and passage of the substitute.

Also, Senate Bill No. 54—An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and a majority of the committee recommend the passage of the bill as amended.

Also, Senate Bill No. 66—An Act to create a library for the University of California and to provide a fund therefor—and a majority of the committee recommend that the bill be indefinitely postponed.

Also, Senate Bill No. 65—An Act to amend sections three hundred and forty and twelve hundred and ninety of the Code of Civil Procedure—and report the same back with an amendment, and respectfully recommend the adoption of the amendment and the passage of the bill as amended.

LEWIS, Chairman.

By Mr. Hendricks:

MR. PRESIDENT: The Committee of Mines and Mining, to whom was referred Senate Bill No. 40—An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to the State—report the same back and recommend its passage.

HENDRICKS, Chairman.

By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture have had under consideration Senate Bill No. 33—An Act to amend section six hundred and twenty-six of the Penal Code—and herewith report the same back, with the recommendation that the bill pass.

HILL, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Shirley—An Act to amend an Act entitled an Act to abate the squirrel nuisance in certain counties of the State, approved March tenth, eighteen hundred and seventy-four.

Read first and second times and referred to the Alameda and Contra Costa delegations.

By Mr. Bush—An Act to fully carry out the provisions contained in section three thousand seven hundred and fifty-one of the Political Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Laine—An Act concerning mutual insurance companies.

Read first and second times, referred to the Committee on Corporations, and ordered printed.

By Mr. O'Connor—An Act entitled an Act to add a new section to chapter thirteen of title eleven of the Code of Civil Procedure of California, in regard to Public Administrator.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Lewis offered the following resolution:

*Resolved*, That the Committee on Contingent Expenses be requested to consult the Controller of State, and examine his books at the end of each month during the session of the present Legislature, and ascertain the monthly expenses of the Legislature for the two sessions next preceding the present, and compare the same with the expenses incurred by the Legislature of this year, and report the same to the Senate.

Adopted.

By Mr. Shirley:

*Resolved*, That the Committee on State Prison be empowered to appoint a clerk, at a per diem of five (\$5) dollars, payable out of the fund for the contingent expenses of the Senate, said clerk to hold office at the pleasure of the committee, or until the business of said committee necessitating the employment of a clerk has been disposed of.

On motion of Mr. Shirley, the rules were suspended and the resolution adopted.

By Mr. McGarvey:

*Resolved*, That the Sergeant-at-Arms be required to obtain from the Secretary of State one copy of the Codes of the State of California for each newspaper reporter, for his or her use during this session, to be returned to the Secretary of State at the end of the session; the books not to be taken from the Senate Chamber.

Laid over for one day.

By Mr. Roach:

*Resolved*, That the per diem of George W. Green, clerk of the San Francisco delegation, commence from the seventeenth of December, eighteen hundred and seventy-five.

On motion of Mr. Roach, referred to the Committee on Contingent Expenses.

Mr. Rogers submitted a report, by leave, as follows:

MR. PRESIDENT: Your Committee on Contingent Expenses, in compliance with the resolution passed this morning, have obtained from the State Controller the following figures:

Contingent expenses of Senate, nineteenth session, month of December, eighteen hundred and seventy-one.....	\$2,652 00
Contingent expenses of Senate, twentieth session, month of December, eighteen hundred and seventy-three.....	647 05
Contingent expenses of Senate, twenty-first session, month of December, eighteen hundred and seventy-five.....	126 00

GEO. H. ROGERS, Chairman.

#### GENERAL FILE.

Report of the Committee on Rules, as submitted yesterday:

MR. PRESIDENT: Your Committee on Standing Rules, to whom was referred the annexed resolution and amendments, beg leave to report the following standing rules upon the subject of said resolution and amendments:

**RULE —** All bills required to be printed shall be delivered by the Secretary of the Senate to one of the Copying Clerks, and his receipt taken therefor in writing; and said bills shall be copied in the order of their receipt by the Copying Clerks, and the copies of all said bills shall be by said Copying Clerks delivered to the Superintendent of State Printing in the order of their being copied, and the receipt of said Superintendent taken therefor: and said bills shall be printed by said Superintendent in the order of their receipt by him, and on paper of uniform size.

**RULE —** All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt in writing of the Engrossing Clerk taken therefor, and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk: and all Senate bills shall, after their final passage by, and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt in writing of said Enrolling Clerk taken therefor: and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

**RULE —** The Superintendent of State Printing shall print a sufficient number of copies of the journal of every day's proceedings of the Senate to supply Senators daily during the session with the journal of the previous day's proceedings, and also a sufficient number of copies, with proper re-paging, to bind at the end of the session of the Legislature, in book form, as the journal of the Senate required by law.

PIERSON,  
EVANS,  
Majority of Committee.

Report adopted, and, on motion of Mr. Evans, the new rules were ordered to be numbered in their order.

Mr. McCarthy submitted the following report:

SENATE CHAMBER,

SACRAMENTO, January 5th, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 30—An Act to amend an Act entitled an Act to fund certain indebtedness of Sonoma County, approved February twelfth, eighteen hundred and seventy-four, and this day, at eleven o'clock and thirty minutes A. M., delivered the same to the Governor for his approval.

McCARTHY, for the Committee.

On motion of Mr. Lewis, the rules were suspended to take up the special order for Wednesday, January fifth, eighteen hundred and seventy-six, at one o'clock P. M.—certain official appointments made by the Governor since the adjournment of the last Legislature:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,

SACRAMENTO, December 8th, 1875. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that since the adjournment of the twentieth session of the Legislature, the following official appointments were made by my predecessor, Hon. Newton Booth, and their confirmation is respectfully asked:

April first, eighteen hundred and seventy-four—L. Hamilton, vice Hayes, term expired: J. Mora Moss, vice self, term expired, as Trustees for the Asylum of the Deaf, Dumb, and Blind.

April fifteenth, eighteen hundred and seventy-four—Henry Gibbons, M. D., vice self, term expired: L. C. Lane, M. D., vice self, term expired: A. B. Stout, M. D., vice self, term expired: Jos. F. Montgomery, M. D., vice self, term expired: F. Walton Todd, M. D., vice self, term expired: L. Robinson, M. D., vice self, term expired: T. M. Logan, M. D., vice self, term expired, as members of the State Board of Health.

April sixteenth, eighteen hundred and seventy-four—J. D. Farwell, vice himself: S. R. Throckmorton, vice himself; B. B. Redding, vice himself, as Fish Commissioners.

May nineteenth, eighteen hundred and seventy-four—L. M. Cutting, vice Moore, term expired, as Director of the Insane Asylum.

May twenty-eighth, eighteen hundred and seventy-four—J. K. Doak, vice Austin, term expired, as Director of the Insane Asylum.

August twenty-eighth, eighteen hundred and seventy-four—DeWitt C. Thompson, vice Cobb, term expired, as Major-General, N. G. C.

December first, eighteen hundred and seventy-four—William L. Campbell, vice Howell, resigned, as Brigadier-General, Fourth Brigade, N. G. C.

January fifth, eighteen hundred and seventy-five—James Cocy, vice Hewston, resigned, as Brigadier-General, First Brigade, N. G. C.

R. PACHECO, Governor.

Mr. Timmin moved to postpone action on the confirmation of the following appointments until Wednesday, January twelfth, at twelve o'clock M., and that the same be made a special order at that time, to wit:

L. Hamilton, vice Hayes: J. Mora Moss, vice self—as Trustees of the Asylum of the Deaf and Dumb, and Blind. Henry Gibbons, M. D., vice self: L. C. Lane, M. D., vice self: A. B. Stout, M. D., vice self: Jos. T. Montgomery, M. D., vice self: F. Walton Todd, M. D., vice self: L. Robinson, M. D., vice self: T. M. Logan, M. D., vice self—as members of the State Board of Health. J. D. Farwell, vice himself: S. R. Throckmorton, vice himself—as Fish Commissioners.

So ordered.

Upon the question, "Will the Senate advise and consent to the appointment of B. B. Redding, vice himself, as Fish Commissioner?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Laine, Lewis, Lindsey, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—35.  
 NOES—None.

Whereupon the Chair announced B. B. Redding duly confirmed as Fish Commissioner.

On motion of Mr. Tinnin, action on the appointment of L. M. Cutting and J. K. Doak, as Directors of the Insane Asylum, was postponed and made a special order for Wednesday, January twelfth, eighteen hundred and seventy-six, at twelve o'clock M.

Action on the appointment of De Witt C. Thompson, vice Cobb, term expired, as Major-General, N. G. C., was passed.

Action on the appointment of William L. Campbell, vice Howell, resigned, as Brigadier-General, Fourth Brigade, N. G. C., was, on motion of Mr. Haymond, laid on the table.

Action on the appointment of James Coey, vice Hewston, resigned, as Brigadier-General, First Brigade, N. G. C., was passed, on motion of Mr. Lewis.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 SACRAMENTO, December 8th, 1875. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have made the following official appointments, and respectfully ask their confirmation:

March fifteenth, eighteen hundred and seventy-five—Jas. Murphy, vice Lane, removed from the State, as member of the State Board of Health.

May tenth, eighteen hundred and seventy-five—Thos. E. Ketchum, vice Davies, resigned, as Brigadier-General, Third Brigade, N. G. C.

July twenty-ninth, eighteen hundred and seventy-five—W. R. Cluness, vice Thrift, term expired, as Director of the Insane Asylum.

November twenty-third, eighteen hundred and seventy-five—James Coey, vice Thompson, resigned, as Major-General, N. G. C.

Also, on same day—John McComb, vice Coey, resigned, as Brigadier-General, Second Brigade, N. G. C.

November twenty-seventh, eighteen hundred and seventy-five—Wentworth T. Crowell, vice Campbell, resigned, as Brigadier-General, Fourth Brigade, N. G. C.

November twenty-ninth, eighteen hundred and seventy-five—John W. Titcomb, vice Bissell, term expired, as Inspector of Gas Meters.

R. PACHECO, Governor.

Action on the appointment of James Murphy, vice Lane, removed from the State, as member of the State Board of Health, was postponed and made a special order for Wednesday, January twelfth, at twelve o'clock M., on motion of Mr. Tinnin.

Upon the question, "Will the Senate advise and consent to the appointment of Thomas E. Ketchum, vice Davies resigned, as Brigadier-General, Third Brigade, N. G. C.?" the roll was called, with the following result:

AYES—Messrs. Bartlett, Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, Laine, Lindsey, Montgomery, Spencer, and Turner—12.

NOES—Messrs. Angney, Beazell, Bush, Eakin, Farley, Gibbons, Graves, Hill, Lewis, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, Tuttle—22.

Whereupon the Chair announced the appointment rejected by the Senate.

Action on the appointment of W. R. Cluness, vice Thrift, term expired, as Director of the Insane Asylum, was postponed and made a special order for Wednesday, January twelfth, at twelve o'clock M., upon motion of Mr. Tinnin.



Upon the question, "Will the Senate advise and consent to the appointment of John McComb, vice Coey, resigned, as Brigadier-General, Second Brigade, N. G. C.?" the roll was called, with the following result:

**AYES**—Messrs. Angney, Bartlett, Beazell, Bush, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Laine, Lewis, Lindsey, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—25.

**NOES**—None.

Whereupon the Chair announced the appointment of John McComb duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Wentworth T. Crowell, vice Campbell, resigned, as Brigadier-General, Fourth Brigade, N. G. C.?" Mr. Haymond moved to postpone action on this appointment until Wednesday, January twelfth, at twelve o'clock M.

Lost.

The roll was called, resulting as follows:

**AYES**—Messrs. Bartlett, Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, Laine, Lindsey, Montgomery, Spencer, and Turner—12.

**NOES**—Messrs. Angney, Beazell, Bush, Eakin, Farley, Graves, Hendricks, Hill, Lewis, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle—22.

Whereupon the Chair announced the appointment rejected by the Senate.

Upon the question, "Will the Senate advise and consent to the appointment of John W. Titcomb, vice Bissell, term expired, as Inspector of Gas Meters?" the roll was called, with the following result:

**AYES**—Messrs. Bartlett, Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, Lindsey, Montgomery, Spencer, and Turner—11.

**NOES**—Messrs. Angney, Bartlett, Bush, Eakin, Farley, Graves, Hendricks, Hill, Laine, Lewis, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle—23.

Whereupon the Chair announced the appointment rejected by the Senate.

Upon the question, "Will the Senate advise and consent to the appointment of James Coey, vice Thompson, resigned, as Major-General, N. G. C.?" the roll was called, with the following result:

**AYES**—Messrs. Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, Lindsey, Montgomery, Spencer, and Turner—10.

**NOES**—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Graves, Hendricks, Hill, Laine, Lewis, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Tinnin, and Tuttle—25.

Whereupon the Chair announced the appointment rejected by the Senate.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.

SACRAMENTO, January 5th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January fourth, adopted Assembly Concurrent Resolution No. 16—Relative to limiting the time of introducing bills.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 16, above reported, was taken up.

Mr. Evans moved to postpone further consideration of the resolution until Wednesday, January twelfth, at twelve o'clock M.

Lost.

Mr. Haymond offered the following amendment: "That the Legislature will adjourn *sine die* on the eighth day of March, eighteen hundred and seventy-six, at twelve o'clock noon."

Mr. Lewis moved to lay the resolution on the table, to be taken up at any time; on which the ayes and noes were demanded by Messrs. Evans, O'Connor, and Hilborn, and the motion prevailed by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Farley, Fraser, Graves, Lewis, McCarthy, McCune, Montgomery, Numan, Pierson, Rouch, Rogers, Satterwhite, Shirley, Timmin, and Tuttle—18.

NOES—Messrs. Bush, Donovan, Evans, Flint, Haymond, Hendricks, Hilborn, Hill, Hopkins, Laine, Lindsey, McCoppin, McGarvey, O'Connor, Spencer, and Turner—16.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Lewis, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER.

Thursday, January 6th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Mr. Haymond, by consent, offered the following resolution:

*Resolved*, That a committee of five be appointed to investigate all matters relating to the grant or sale of lands lately belonging to the State, and known as tide or salt marsh lands, and that said committee may sit at any place in the State, and have full power to take testimony, and to that end to send for persons and papers.

Adopted.

The Chair appointed as the committee, called for under the above resolution, Messrs. McCoppin, Laine, O'Connor, Evans, and Lindsey.

Mr. O'Connor moved to postpone all the special orders set for to-day, at twelve M., until to-morrow, Friday, January seventh, at the same hour.

So ordered.

Mr. Haymond, by consent, offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate be directed to display the flag at half-mast on the Capitol to-day, and that the Senate do now adjourn out of respect to the memory of the late James Anthony, a soldier of the Mexican war, a pioneer, and an honored and respected citizen of this State.

Adopted unanimously.

## ADJOURNMENT.

Accordingly, at eleven o'clock and twenty-three minutes A. M., the Senate adjourned.

## IN SENATE.

SENATE CHAMBER.

Friday, January 7th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Petitions were presented as follows :

By Mr. Lindsey—A petition relating to the county line of Fresno and Tulare Counties.

Received and referred to the Committee on Counties and County Boundaries.

By Mr. Craig—A memorial from the firm of A. L. Bancroft & Co., San Francisco, praying that the contract heretofore entered into between said firm and the State Board of Education, for the supply and use of the Pacific Coast Readers in the public schools of this State, be recognized and made valid by action of the Legislature.

On motion of Mr. Gibbons, the further reading of the memorial was dispensed with, referred to the Committee on Education, and ordered printed.

By Mr. Graves—A petition from residents of the Counties of Kern, Tulare, and Monterey, near the present easterly and northerly lines of San Luis Obispo County, asking that said northerly and easterly lines be changed to run as set forth in said petition.

On motion of Mr. Graves, laid on the table.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows :

By Mr. Graves :

MR. PRESIDENT: Your Committee on Elections have had under consideration the contest instituted and prosecuted by R. H. Ward for the seat in this body occupied by the Hon. J. M. Montgomery, as Senator from the Fifth Senatorial District.

On motion of Mr. Lewis, the report of the committee was ordered printed.

The resolution accompanying the report was taken up.

*Resolved*, That J. M. Montgomery is the duly elected Senator from the Fifth Senatorial District of the State of California, for the term of four years from the first of December, A. D. eighteen hundred and seventy-five.

On motion of Mr. Evans, the report of the committee and the resolution as above were adopted.

Mr. Roach, by leave, offered the following resolution :

*Resolved*, That the Committee on Elections be and they are hereby instructed to ascertain what expenses and costs have been incurred by J. M. Montgomery in the contested election case of *Ward v. Montgomery*, in the defense of the cause, and to report to the Senate the amount so ascertained, and what action is necessary thereon.

Mr. O'Connor moved to amend by striking out "Committee on Elections," and inserting "Committee on Contingent Expenses." Adopted, and the resolution, as amended, adopted.  
By Mr. Lewis:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 54—An Act granting leave of absence to Wm. T. Beville, Assessor of Colusa—have had the same under consideration, and herewith report the bill back and recommend the bill do not pass.

Also, Senate Bill No. 77—An Act to repeal section eight hundred and sixty-nine and amend section eight hundred and seventy of the Penal Code—and a majority recommend the passage of the bill.

Also, Senate Bill No. 89—An Act to abolish the State Board of Tide Land Commissioners, and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code—and report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 94—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of lands for taxes—and report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

LEWIS, Chairman.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 52—An Act to fund the indebtedness of Plumas County—have had the same under consideration, and herewith report the bill back, and recommend its passage.

Also, Senate Bill No. 83—An Act to amend section four hundred and eighty-seven of the Penal Code, relating to crimes and punishments—and report the same back, without recommendation.

Also, Senate Bill No. 79—An Act to amend section seven hundred and eighty-three of the Penal Code—and herewith report the same back with a substitute, and recommend the adoption and passage of the substitute.

Also, Senate Bill No. 84—An Act to add another section to the Civil Code, relating to corporations—and report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 85—An Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes—and herewith report the bill back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 96—An Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges—and report the same back, with the recommendation that it do not pass.

Also, Senate Bill No. 97—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relative to the removal of county seats—and report the same back, with amendments, and respectfully recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 81—An Act to regulate salaries and to fix the compensation of certain officers in the County of Contra Costa—and report the same back, with an amendment, and recommend its passage.

Also, Senate Bill No. 100—An Act to regulate fees of office and fix the compensation of certain officers in the County of Contra Costa—and herewith report the same back and recommend its passage.

LEWIS, Chairman.

By Mr. Gibbons:

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 10—relative to a change of routes of the Southern Pacific Railroad;

And, also, Senate Concurrent Resolution No. 13—Relating to the Atlantic and Pacific Railroad reserve;

And, also, Senate Concurrent Resolution No. 14—In regard to granting pensions to soldiers of the Mexican War;

And, also, Senate Concurrent Resolution No. 7—Asking a modification of our treaty with China;

And, also, Assembly Concurrent Resolution No. 3—Relating to a breakwater at San Luis Obispo;

Report the same back and recommend their passage.

GIBBONS, Chairman.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 130—An Act to appropriate money to pay the claim of John L. Love—having duly considered the same, would respectfully report it back and recommend its passage.

O'CONNOR, Chairman.



## By Mr. Hendricks:

SENATE CHAMBER.

SACRAMENTO, January 5th, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 32—An Act to amend section two thousand one hundred and seven, and to repeal section two thousand one hundred and twelve of the Political Code of the State of California.

Also, Senate Bill No. 55—An Act to amend sections seven hundred and fifty-one and seven hundred and fifty-six of the Political Code, in regard to deputies for the Clerk of the Supreme Court.

Also, Senate Bill No. 42—An Act to amend section fifty-eight of the Code of Civil Procedure.

HENDRICKS, for the Committee.

## By Mr. Howe:

MR. PRESIDENT: Your Committee on Commerce and Navigation have had under consideration Senate Bill No. 15—An Act to amend article nine of chapter one of title six of the Political Code—and report the same back with amendments, and respectfully ask the adoption of the amendments, and the passage of the bill as amended.

HOWE, Chairman.

## By Mr. Nunan:

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 53—An Act to provide for the redemption of certain bonds of the County of Solano—having carefully examined the same, hereby report the same back, unanimously recommending its passage.

Also, having carefully examined Senate Bill No. 115—An Act to amend an Act, approved March twenty seventh, eighteen hundred and seventy-four, relative to the fees of witnesses in certain counties named therein—hereby report the same back, and unanimously recommend that said bill do not pass.

Also, having carefully examined Senate Bill No. 116—An Act to exempt active and exempt firemen from jury duty, military duty, and the payment of poll tax in the County of San Joaquin—hereby report the same back, and unanimously recommend that said bill do not pass.

Also, Senate Bill No. 119—An Act to further amend section three thousand three hundred and eighty-two of the Political Code—having carefully examined the same, hereby report the same back, and unanimously recommend that it do not pass.

EDWARD NUNAN, Chairman.

## By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 9—Entitled an Act to provide a system of irrigation in the Counties of Fresno, Tulare, and Kern—report the same back, and respectfully recommend that it be referred to the Committee on Irrigation.

FARLEY, Chairman.

The bill was so referred.

Mr. Farley, Chairman of the Committee on Corporations, verbally reported that said committee had appointed James Galloway clerk to said committee, the appointment being made on the fifth instant.

Mr. Angney, from the Committee on Finance, verbally reported Senate Bill No. 62, asking its reference to the Judiciary Committee.

So referred.

Mr. Rogers, from the Committee on Contingent Expenses, reported certain accounts for expenses incurred in inaugural ceremonies, asking their reference to the Committee on Inaugural Ceremonies.

So referred.

Mr. Rogers submitted the following statements from the office of the Secretary of State:

SESSION OF 1871-2.

Amount of stationery, etc., furnished the members of the Senate, Sergeant-at-Arms, Secretary, clerks, committees, etc., from the opening of the session to and including the twenty-second day of December, A. D. eighteen hundred and seventy-one, as taken from the account book kept in this office.....	\$2,446 52
Amount to the Assembly for the same time.....	2,923 12
Grand total.....	\$5,369 64

The accounts of members and attachés of this session of the Legislature were not kept separate.  
Office of Secretary of State, January 6th, 1876.

## SESSION OF 1873-4.

Amount of stationery, etc., furnished to the members of the Senate from the opening of the session to and including the twenty-second day of December, A. D. eighteen hundred and seventy-three, as taken from the account book kept in this office		\$886 04
Amount to Sergeant-at-Arms, Secretary, and other attachés		1,112 06
		<hr/> \$1,998 10
Amount to members of Assembly		\$1,451 24
Sergeant-at-Arms, clerks, and other attachés		1,511 73
		<hr/> \$2,962 97
Amount to reporters, both houses		283 22
		<hr/> \$3,246 19
Senate		1,998 10
		<hr/> \$5,244 29
Grand total		
Office of Secretary of State, January 6th, 1876.		

## SESSION OF 1875-6.

Amount of stationery, etc., furnished to the members of the Senate from the opening of the session to and including the twenty-second day of December, A. D. eighteen hundred and seventy-five, as taken from the book of accounts of members, etc., kept in this office		\$587 48
Amount to Sergeant-at-Arms, Secretary, and other attachés		843 96
		<hr/> \$1,431 44
Amount to members of Assembly		\$1,019 17
Sergeant-at-Arms, clerks, and other attachés		660 30
		<hr/> \$1,679 47
Amount to reporters, both houses		27 57
		<hr/> \$1,707 04
Senate		1,431 44
		<hr/> \$3,138 48
Grand total		
Office of Secretary of State, January 6th, 1876.		

## STATEMENT

*Of the amount of stationery, etc., furnished each member of the Senate from the opening of the session (December 6th, 1875,) to December 22d, 1875.*

NAMES.	Placed on each desk Dec. 6, 1875.	Issued since.	Total.
Placed on the President's desk	\$11 08		\$11 08
Angney, W. L.	8 50	\$3 00	11 50
Bartlett, Washington	8 50	18 08	26 58
Beazell, James	8 50		8 50
Bush, C. W.	8 50	1 50	10 00
Craig, James	8 50	4 50	13 00
Donovan, M. J.	8 50	1 50	10 00
Eakin, W. A.	8 50	5 22	13 72
Edgerton, Henry	8 50		8 50
Evans, G. S.	8 50	6 50	15 00
Farley, J. T.	8 50		8 50
Flint, Thomas	8 50	9 50	18 00
Fraser, Thomas	8 50	1 50	10 00
Gibbons, Edward	8 50	4 50	13 00
Graves, W. J.	8 50	22 90	31 40
Haymond, Creed	8 50	9 37	17 87
Hendricks, W. C.	8 50		8 50
Amount carried forward	\$147 08	\$88 07	\$235 15

## STATEMENT—Continued.

NAMES.	Placed on each desk Dec. 6, 1875.	Issued since.	Total.
Amount brought forward	\$147 08	\$88 07	\$235 15
Hill, William McP.	8 50	7 15	15 65
Hilborn, S. G.	8 50	8 00	16 50
Hopkins, R.	8 50	3 00	11 50
Howe, Robert	8 50	3 75	12 25
Laine, Thomas H.	8 50		8 50
Lewis, E. J.	8 50	18 77	27 27
Lindsey, T.	8 50	3 25	11 75
Martin, N.	8 50	9 12	17 62
McCarthy, T.	8 50		8 50
McCoppin, F.	8 50	8 71	17 21
McCune, H. E.	8 50	3 00	11 50
McGarvey, Robert	8 50	3 00	11 50
Montgomery, J. W.	8 50		8 50
Nunan, Edward	8 50	8 75	17 25
O'Connor, M. P.	8 50	1 50	10 00
Pierson, William J.	8 50	9 72	18 22
Roach, Philip	8 50	14 09	22 59
Rogers, G. H.	8 50	10 05	18 55
Satterwhite, J. W.	8 50	10 35	18 85
Shirley, Paul	8 50	6 00	14 50
Spencer, S.	8 50		8 50
Tiffin, W. J.	8 50	5 07	13 57
Turner, H. K.	8 50	5 05	13 55
Tuttle, B. F.	8 50	10 00	18 50
Totals	\$351 08	\$236 40	\$587 48

## STATEMENT

*(Of the amount of stationery, etc., furnished the Secretary, Sergeant-at-Arms, clerks, and committees of the Senate, from the opening of the session, December 6th, 1875, to and including December 22d, 1875.)*

Names and Offices.	Amount.
Secretary of the Senate—T. J. Shackelford	\$142 53
Sergeant-at-Arms—J. W. Hawkins	313 67
Paper-folder—J. Kilgariff	33 50
Postmaster—J. C. Bernstein	13 94
Journal Clerk—George B. Cosby	33 00
Minute Clerk—Newton Benedict	22 92
Enrolling Clerk—W. F. Howell	9 00
Engrossing Clerk—P. H. Ryan	67 42
Copying Clerks—G. N. Conaway, etc.	71 10
Judiciary Committee—R. A. Redman, Clerk	118 36
San Francisco delegation—P. A. Roach, Chairman	18 52
Total	\$843 96

## By Mr. Rogers:

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred Senate Joint Resolution No. 15, report the same back without recommendation.

Also, in favor of the resolution giving back pay to the clerk of the San Francisco delegation.

GEO. H. ROGERS, Chairman.

## By Mr. Turner (for Mr. Tuttle):

MR. PRESIDENT: The Committee on Education have had under consideration Senate Bill No. 90—An Act to repeal certain sections of the Political Code; also, Senate Bill No. 93—An Act to repeal certain sections of said Code, all relating to the public schools—report the same back, and recommend their passage.

TUTTLE, Chairman.

### By Mr. Bartlett:

MR. PRESIDENT: The Committee on Public Printing, to whom was referred the concurrent resolution relative to printing two thousand copies of Governor Irwin's inaugural address in Spanish, for the purpose of ascertaining the cost of the same, beg leave, respectfully, to report: That the entire cost of printing and furnishing two thousand copies, including translating the same into Spanish, will not exceed one hundred dollars, as follows:

Translating into Spanish.....	\$25 00
Composition and making up forms.....	30 00
Press-work.....	6 00
Paper.....	25 00
Paper for covers.....	7 00
Stitching and trimming.....	7 00
	<hr/>
	\$100 00

Respectfully submitted,

BARTLETT, Chairman.

### By Mr. Nunan:

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 126—Entitled an Act making the County Recorder of Solano County ex officio Auditor of said county, and fixing his compensation—having carefully examined the same, hereby respectfully report the same back, and unanimously recommend that the said bill pass.

EDWARD NUNAN, Chairman.

### By Mr. Eakin:

MR. PRESIDENT: The Committee of Roads and Highways have had Senate Bill No. 120 under consideration, and report the same back, and recommend its passage.

EAKIN, Chairman.

### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, JANUARY 7th, 1876. )

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have this day made the following official appointments, and respectfully ask their confirmation:

As Inspector of Gas Meters—Henry George, resident of San Francisco, vice James L. Bissell, term expired.

As Commissioner of Immigration—Thomas C. Van Ness, resident of San Francisco, vice R. K. Piotrowski, removed.

Respectfully yours,

W. IRWIN, Governor.

Mr. Howe moved to take action on the Governor's appointments now, which was agreed to.

Upon the question, "Will the Senate advise and consent to the appointment of Henry George as Inspector of Gas Meters, vice James L. Bissell, term expired?" the roll was called, with the following result:

AYES—MESSRS. AGNEW, BEAZELL, BUSH, CRAIG, DONOVAN, EAKIN, EVANS, FARLEY, FLINT, FRASER, GRAVES, HAYMOND, HENDRICKS, HILBORN, HILL, HOPKINS, HOWE, LAINE, LEWIS, LINDSEY, MARTIN, MCCARTHY, MCCOPPIN, MCCUNE, MCGARVEY, MONTGOMERY, NUNAN, O'CONNOR, PIERSON, ROACH, ROGERS, SATTERWHITE, SHIRLEY, SPENCER, TINNIN, TURNER, and TUTTLE—37.

NOES—None.

Whereupon the Chair announced the appointment duly confirmed by the Senate.

Upon the question, "Will the Senate advise and consent to the appointment of Thomas C. Van Ness, vice R. K. Piotrowski, removed, as Commissioner of Immigration?" the roll was called, resulting as follows:



AYES—Messrs. Angney, Beazell, Bush, Craig, Donovan, Eakin, Evans, Farley, Flint, Fraser, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McTune, McFarvey, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—36.

NOES—None.

Whereupon the Chair announced the appointment duly confirmed by the Senate.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

SACRAMENTO, January 6th, 1876. J

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January fifth, passed Assembly Bill No. 27—An Act to grant C. F. Leavenworth and his assigns the right to supply the Town of Modesto with pure fresh water.

Also, Assembly Bill No. 29—An Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County.

Also, Assembly Bill No. 51—in relation to roads in Plumas County.

Also, Assembly Bill No. 56—concerning the office of Sheriff of Sonoma County.

CHAS. W. O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 27, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 29, above reported, read first and second times and referred to the delegation from Humboldt County.

Assembly Bill No. 51, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 56, above reported, read first and second times and referred to the delegation from Sonoma County.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to public schools.

Read first and second times and referred to the Committee on Education.

Also, an Act to amend sections fifteen hundred and forty-three and fifteen hundred and seventy-eight of the Political Code, relating to public schools.

Read first and second times and referred to the Committee on Education.

Also, an Act to separate the office of County Auditor from the office of County Recorder, and to regulate the salaries of certain officers in the Counties of Fresno, Tulare, and Kern.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Lewis—An Act to provide for the construction and support of an academy in the County of Tehama.

Read first and second times and referred to the Committee on Education.

By Mr. O'Connor—An Act to regulate contracts on behalf of the State in relation to erections and buildings.

Read first and second times and referred to the Committee on Public Buildings.

By Mr. McGarvey—An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles.

Read first and second times and referred to the Judiciary Committee.

By Mr. Graves—An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code, and to add a new section thereto, to be numbered section two thousand nine hundred and fifty-five.

Read first and second times and referred to the Judiciary Committee.

By Mr. Howe—An Act to amend section four hundred and ninety-seven of the Civil Code, in relation to street railroads.

Read first and second times and referred to the San Francisco delegation.

By Mr. Pierson—An Act to amend section nine hundred and fifty-four of the Penal Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hill, for Mr. Tuttle—An Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two.

Also, an Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma, approved January sixth, eighteen hundred and seventy-two.

The above bills each read first and second times and referred to the Sonoma County delegation.

On motion of Mr. Lewis, the general file special order was temporarily postponed.

By Mr. McCoppin (by request)—An Act supplementary to Article II., Chapter X., Title XI., Part III. of the Code of Civil Procedure.

Also, an Act to amend the Code of Civil Procedure.

Also, an Act to amend the Penal Code.

The above bills each read first and second times and referred to the Judiciary Committee.

Also, an Act to amend an Act entitled an Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two.

Read first and second times, rules suspended, and bill taken up for consideration.

Amended.

On motion of Mr. Pierson, made a special order for to-morrow at twelve o'clock m.

By Mr. Laine—An Act to establish a uniform policy of fire insurance in this State.

Read first and second times and referred to the Judiciary Committee.

By Mr. Haymond—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure.

Read first and second times and referred to the San Francisco delegation.

Also, proposed amendments to the Constitution of the State of California.

Read first and second times and referred to the Judiciary Committee.

By Mr. Laine—An Act to amend section three thousand five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office.

Read first and second times and referred to the Committee on Public Lands.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Roach offered the following:

WHEREAS, To-morrow will be the anniversary of the battle of New Orleans:

*Resolved*, That when the Senate adjourns this day, that it adjourn until Monday, January tenth, at two p. m., in honor of that great event in American history.

Mr. Lewis moved to amend by striking out "this day," and to insert "to-morrow."

Amendment adopted.

Mr. McGarvey moved to reconsider the vote by which the amendment was adopted.

Lost.

On motion of Mr. Lewis, the resolution was further amended by striking out "Monday, January tenth, at two o'clock p. m.," and adopted as amended.

#### GENERAL FILE.

Assembly Bill No. 17—An Act to grant Mark P. Shaffer, Assessor of San Diego County, leave of absence from the State of California for sixty days.

Indefinitely postponed.

#### SPECIAL ORDER.

Friday, January seventh, eighteen hundred and seventy-six, at twelve o'clock m. Senate Bill No. 46—An Act to appropriate money to pay the claim of J. J. Green.

Mr. Pierson moved to suspend the rules to take up Senate Bill No. 130—An Act to appropriate money to pay the claim of John L. Love—that the same may be considered in connection with Senate Bill No. 46 and Senate Bill No. 50.

Agreed to.

Mr. O'Connor presented the following certificate:

I, J. W. Mandeville, State Controller in and for the State of California, do hereby certify that no warrant has been issued from this office for the salary of James J. Green as ex-officio member of the State Board of Equalization since June thirtieth, eighteen hundred and seventy-four. Section three thousand seven hundred of the Political Code provides that the annual salary of the ex-officio member of said Board is twelve hundred dollars. No appropriation having been made for the payment thereof, no warrant has been drawn therefor from this office since the above-named date of June thirtieth, eighteen hundred and seventy-four; all of which will more fully appear by reference to the law and the records in this office.

In testimony whereof I have hereunto set my hand and affixed my official seal, at the City of Sacramento, this sixteenth day of December, A. D. eighteen hundred and seventy-five.

J. W. MANDEVILLE, Controller.

Per W. B. C. BROWN, D. C.

[SEAL.]

[Mr. Tinnin in the chair.]

On the engrossment of Senate Bill No. 46, the ayes and noes were demanded by the requisite number, and the bill was ordered engrossed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Eakin, Evans, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lewis, Lindsey, Martin, McCarthy, McCoppin, McTune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, and Tinnin—30.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Farley, Hill, Laine, Turner, and Tuttle—9.

Mr. Lewis moved to reconsider the vote by which the bill was ordered engrossed.

Carried.

On motion of Mr. Lewis, the rules were suspended and the bill considered engrossed.

Read third time and passed.

[President pro tem. in the chair.]

Senate Bill No. 50—An Act to appropriate money to pay the claim of Drury Melone.

Amendment adopted.

Mr. O'Connor presented the following certificate:

"I, J. W. Mandeville, State Controller in and for the State of California, do hereby certify that no warrant for the salary of Drury Melone, as a member of the Board of Examiners, has been issued from this department since June thirtieth, eighteen hundred and seventy-four. Section six hundred and eighty-four of the Political Code provides that the annual salary of each member of said Board is one thousand dollars. No appropriation having been made for the payment thereof, no warrant could be drawn therefor. All of which will more fully appear by reference to the law and the records in this office.

In witness whereof, I have hereunto set my hand and affixed my official seal, this sixteenth day of December, eighteen hundred and seventy-five.

J. W. MANDEVILLE, Controller.

Per W. B. C. BROWN, D. C.

[SEAL.]

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 130—An Act to appropriate money to pay the claim of John L. Love.

Mr. O'Conner presented the following certificate:

"I, J. W. Mandeville, Controller in and for the State of California, do hereby certify that there has been no warrant drawn for the salary of John L. Love, as a member of the State Board of Examiners, from the first day of July, eighteen hundred and seventy-four, to the sixth day of December, eighteen hundred and seventy-five, there being no appropriation therefor, as by reference to the records in this office will more fully appear. The salary of said John L. Love, as per Political Code, section six hundred and eighty-four, is one hundred and twenty-five dollars per month.

In witness whereof I have hereunto set my hand and affixed my official seal, at the City of Sacramento, this sixth day of January, eighteen hundred and seventy-six.

J. W. MANDEVILLE, Controller.

Per W. B. C. BROWN, D. C.

[SEAL.]

On motion of Mr. Pierson, the rules were suspended and the bill considered engrossed.

Read third time and passed.

Assembly Bill No. 46—An Act fixing the bonds of the County Treasurers of the Counties of Mariposa and Calaveras.

On motion of Mr. Laine, the bill and substitute therefor were referred to the Committee on State and County Revenue.

At three o'clock and ten minutes p. m., on motion of Mr. Laine, the Senate adjourned.



## IN SENATE.

SENATE CHAMBER,  
Saturday, January 8th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Mr. Beazell was granted indefinite leave of absence, and Messrs. Hill and Flint for one day each.

## PETITIONS.

Petitions were presented as follows:

By Mr. Lewis—A petition from residents and citizens of Tehama County, remonstrating against repealing the Stock or No Fence law in Tehama County.

Received and referred to the Tehama and Colusa County delegations.

By Mr. Graves—A petition from teachers residing in the County of San Luis Obispo, relative to fixing the salary of the County Superintendent of Public Schools of said county at one thousand dollars per annum.

Received and, on motion of Mr. Graves, laid on the table.

By Mr. Craig—A memorial from the President and Superintendent of the Sutter Street Railroad Company, in the City of San Francisco, in reference to the fare now charged on said road.

Received and, on motion of Mr. Lewis, the further reading of the memorial was dispensed with, and referred to the San Francisco delegation.

Mr. Craig, by leave, offered a resolution, as follows:

*Resolved*, That a committee of three be appointed to investigate all matters relating to street car fares in the City and County of San Francisco, and that said committee may sit at any place in the State and have full power to take testimony, and to that end send for persons and papers.

On motion of Mr. Howe, referred to the San Francisco delegation.

## REPORTS OF STANDING COMMITTEES.

Mr. Rogers submitted a report, as follows:

MR. PRESIDENT: The Committee on Contingent Expenses have had under consideration a request from the Copying Clerks for four clerks in their department, and report in favor of the following resolution: That Mrs. Jennie Pyatt, Miss M. E. Huxley, Miss Jennie Beecher, and Miss Mary A. Neal be and are hereby appointed Assistant Copying Clerks, at the same per diem allowed to the Copying Clerks, payable out of the appropriation for the contingent expenses of the Senate.

Also, in favor of paying the following bills out of the appropriation for contingent expenses of the Senate, the same having been approved by the Sergeant at Arms: John J. Cass, \$88 75; H. S. Crocker & Co., \$15; Justin Gates, \$2; Pacific Ice Company, \$7 40; A. J. Nelson & Son, \$8; H. C. Kirk & Co., \$18.

GEO. H. ROGERS, Chairman.

The resolution in reference to Copying Clerks was taken up.

Mr. Haymond moved to amend the resolution by inserting the name of Mrs. English.

Lost.

Mr. McGarvey offered an amendment as follows: "That the Copying Clerks be allowed to appoint four Assistant Copying Clerks."

Mr. Martin offered an amendment to the amendment, as follows:

WHEREAS, The doctrine that to the "victors belong the spoils," is one most pernicious and ought not to receive the indorsement of this Senate; therefore be it

*Resolved*, That the Senators who are members of the Republican party be invited to suggest the name of an Assistant Copying Clerk; and the Senators who are members of the Independent party be invited to suggest the name of an Assistant Copying Clerk, and that the Senate will appoint the persons so suggested.

Lost.

Mr. Evans offered an amendment to Mr. McGarvey's amendment, as follows: "Payable out of the appropriation for the contingent expenses of the Senate."

Mr. Lewis offered an amendment to the amendment, by inserting: "At a per diem of four dollars."

On which the ayes and noes were demanded by Messrs. Evans, Pierson, and McCune, and the amendment was rejected, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Bush, Craig, Evans, Fraser, Gibbons, Hilborn, Howe, Laine, Lewis, McCune, Montgomery, Rogers, Satterwhite, and Turner—16.

NOES—Messrs. Donovan, Eakin, Farley, Graves, Haymond, Hendricks, Hopkins, Lindsey, Martin, McCarthy, McCoppin, McGarvey, Numan, O'Connor, Pierson, Roach, Shirley, Spencer, Tinnin, and Tuttle—20.

Mr. Evans moved to temporarily postpone the special order, set for twelve o'clock this day, being Senate Bill No. 153.

So ordered.

Mr. O'Connor offered an amendment, to make the per diem six dollars.

Mr. Bartlett offered an amendment, to pay said Copying Clerks by the folio, at the rate of ten cents for each folio of copying done.

Mr. McCoppin offered an amendment to Mr. Bartlett's amendment, as follows: "Said copying to be computed by the Secretary of State."

On the adoption of the amendment offered by Mr. O'Connor, making the per diem six dollars, the ayes and noes were demanded by the requisite number, and the amendment was adopted, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Bush, Eakin, Evans, Farley, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hopkins, Laine, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, O'Connor, Pierson, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—28.

NOES—Messrs. Howe, Lewis, Montgomery, Numan, Roach, and Rogers—6.

On the adoption of the resolution as amended, on motion of Mr. McGarvey and Mr. O'Connor, to read as follows:

*Resolved*, That the Copying Clerks be allowed to appoint four assistant Copying Clerks, at a per diem of six dollars, payable out of the appropriation for the contingent expenses of the Senate.

The ayes and noes were demanded by Messrs. Lewis, Evans, and Pierson, and it was so adopted, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Bush, Craig, Donovan, Eakin, Evans, Farley, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hopkins, Howe, Laine, Lewis, Lindsey, McCoppin, McCune, McGarvey, Montgomery, O'Connor, Pierson, Satterwhite, Shirley, Spencer, Tinnin, and Tuttle—30.

NOES—Messrs. Martin, McCarthy, Numan, Roach, Rogers, and Turner—6.

Mr. Lewis gave notice that on Monday next he would move to reconsider the vote by which the resolution was adopted.

The sundry accounts reported by the Committee on Contingent Expenses were now taken up and ordered paid, in accordance with the recommendation of the committee.

Mr. Craig submitted the following report:

Mr. PRESIDENT: Your Committee on Engrossment have examined, and find correctly engrossed, Senate Concurrent Resolution No. 12—Concerning the granting of homesteads to sailors and soldiers, their widows and orphans.

Also, Senate Bill No. 46—An Act to appropriate money to pay the claim of James J. Green.

Also, Senate Bill No. 50—An Act to appropriate money to pay the claim of Drury Melone.

Also, Senate Bill No. 130—An Act to appropriate money to pay the claim of John L. Levee.

CRAIG, Chairman.

Mr. McGarvey, by leave, offered the following resolution:

*Resolved*, That the Secretary of the Senate be directed to insert the word "sixteen" in lieu of the words "sixty-six," in line fifteen of section one of Senate Bill No. 50.

Mr. Evans offered an amendment, as follows:

*Resolved*, That the Assembly be and they are hereby requested to return to the Senate, Senate Bill No. 50—An Act to appropriate money to pay the claim of Drury Melone—for the purpose of the correction of an error.

Mr. Lewis offered as a substitute for the resolutions: "That the Secretary be directed to transmit the bill immediately to the Assembly."

Substitute adopted, and it was so ordered.

Mr. McCoppin, by consent, offered the following resolution, which was taken up under suspension of the rules:

*Resolved*, That the special committee appointed to investigate all matters relating to the grant or sale of lands belonging to the State, and known as tide and salt marsh lands, be authorized to employ a short-hand reporter, who shall be paid out of the appropriation for the contingent expenses of the Senate: that he be allowed ten dollars (\$10) per day and twenty cents per folio for transcribing his notes.

Adopted.

Mr. Roach, by leave, submitted the following report:

Mr. PRESIDENT: The San Francisco Senate delegation, to whom was referred Senate Bill No. 146 (introduced by Senator Howe)—An Act to amend section four hundred and ninety-seven of the Civil Code, in regard to street railroads—have considered the same, and recommend its passage.

ROACH, Chairman.

Mr. Roach moved the reference of the bill, above reported, to the Committee on Corporations.

So ordered.

Mr. McCoppin moved to now take up the special order set for this day at twelve o'clock, being the consideration of Senate Bill No. 153.

Agreed to.

The special order was postponed until Tuesday, January eleventh, at one o'clock P. M., on motion of Mr. McCoppin.

On motion of Mr. Donovan, the Committee on Public Buildings other than Prison Buildings were granted leave of absence for one week.

Mr. Donovan, by consent, gave notice of the introduction of an Act to establish water rates in the City and County of San Francisco.

Also, an Act to provide and furnish San Francisco with fresh water.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, January 7th, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on dates therein set forth, passed Assembly Bill No. 49—An Act to authorize the Board of Supervisors of Modoc County to erect a jail, and to issue the bonds of the county therefor.

Assembly Bill No. 55—An Act granting leave of absence to the County Recorder of the County of Yuba.

Assembly Bill No. 60—An Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties.

Assembly Bill No. 62—An Act to amend section two of an Act entitled an Act to provide for the government of the common schools in the City of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two.

CHAS. W. O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, January 7th, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on dates set forth therein, passed Assembly Bill No. 74—An Act to amend an Act entitled an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four.

CHAS. W. O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, January 7th, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, Assembly Bill No. 131—An Act to repeal an Act entitled an Act to provide for a Road Fund for the Counties of San Luis Obispo and Santa Barbara.

CHAS. W. O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, January 8th, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January seventh, passed Senate Bill No. 6—An Act to amend the Political Code, concerning the redemption of property sold for taxes.

Also, Senate Bill No. 91—An Act to repeal sections three hundred and sixty-three and seven hundred and two of the Political Code.

Also, Senate Bill No. 105—An Act to amend section three thousand seven hundred and fifty-six of the Political Code.

Also, Assembly Concurrent Resolution No. 7—Relative to the construction of a breakwater at Crescent City, California.

CHAS. W. O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 49 and Assembly Bill No. 55, above reported, read first and second times and each referred to the Judiciary Committee.

Assembly Bill No. 60, above reported, read first and second times and referred to the Committee on Education.

Assembly Bill No. 62, above reported, read first and second times, referred to the San Francisco delegation, and ordered printed.

Assembly Concurrent Resolution No. 7, above reported, read first and second times and referred to the Committee on Federal Relations.

Assembly Bill No. 151, above reported, read first and second times and referred to the delegation named in the bill.

Assembly Bill No. 74, above reported, read first and second times and referred to the Committee on Corporations.



Mr. Howe moved to suspend the rules to take from the general file the following resolution.

So ordered.

*Resolved*, That the per diem of George W. Green, clerk of the San Francisco delegation, commence from the seventeenth of December, eighteen hundred and seventy-five.

Adopted.

Mr. Roach, by consent, submitted a report as follows:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 31, introduced by Senator McCarthy, concerning the office of County Clerk in the City and County of San Francisco, have considered the same, and a majority recommend its passage as amended.

They have also considered Senate Bill No. 108, introduced by Senator Roach, in reference to maintaining a training ship in the City and County of San Francisco, and a majority of the delegation recommend its passage.

ROACH, Chairman.

The rules were suspended to take up Senate Bill No. 108, above reported, on motion of Mr. Pierson.

The bill was made a special order for Wednesday, the twelfth instant, at one o'clock p. m., on motion of Mr. McCoppin.

#### ADJOURNMENT.

At one o'clock and fifteen minutes p. m., on motion of Mr. Pierson, the Senate adjourned.

### IN SENATE.

SENATE CHAMBER.

Monday, January 10th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of Saturday last read and approved.

Mr. Lewis, by consent, offered a resolution, as follows:

*Resolved*, That the Copying Clerks of the Senate be authorized to appoint an additional assistant Copying Clerk, at a per diem of six dollars, to be paid out of the appropriation for the contingent expenses of the Senate.

Rules suspended and the resolution adopted.

#### REPORTS.

Reports were submitted as follows:

Mr. Haymond, for the Sacramento delegation, verbally reported Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento—asking its reference to the Judiciary Committee.

So ordered.

Mr. Hill, for the Sonoma delegation, verbally reported Senate Bill No. 148—An Act to repeal an Act entitled an Act to amend an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two—asking its reference to the Committee on Roads and Highways.

So ordered.

Also, Senate Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma, approved January sixth, eighteen hundred and seventy-two—asking its reference to the Committee on Education.

So ordered.

By Mr. Eakin:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 51—An Act in relation to roads in Plumas County—report the same back without recommendation.

EAKIN, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tinnin—An Act to confer the elective franchise on the male descendants of whites and Indians born in the United States of America.

By Mr. McGarvey—An Act to amend section twelve hundred and seventy-three of the Penal Code.

Also, an Act to amend section eight hundred and thirty-two of the Code of Civil Procedure.

The above bills were each read first and second times and referred to the Judiciary Committee.

By Mr. Haymond—An Act to repeal sections three thousand three hundred and seventy-six, three thousand three hundred and seventy-nine, three thousand three hundred and eighty, three thousand three hundred and eighty-two, three thousand three hundred and eighty-three, three thousand three hundred and eighty-four, three thousand three hundred and eighty-five, and three thousand three hundred and eighty-six of the Political Code.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Haymond—An Act to amend sections three hundred and fifty-two, three thousand seven hundred, and three thousand seven hundred and one of the Political Code.

Also, an Act to amend section four thousand three hundred and thirty-two of the Political Code, in relation to Sheriffs' fees.

Also, an Act to add a new section to the Code of Civil Procedure, and repeal certain sections of the Civil Code.

Also, an Act to amend section five hundred and forty-two of the Code of Civil Procedure, relating to the manner of attaching real property.

Also, an Act to amend section five hundred and fifty-nine of the Code of Civil Procedure, relating to the release of attachments on real property.

Also, an Act to amend section seven hundred and thirty-eight of the Code of Civil Procedure.

The above bills were each read first and second times and referred to the Judiciary Committee.

By Mr. Haymond—An Act to amend section four of an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in Sacramento County, approved March twenty-third, eighteen hundred and seventy-two.

Read first and second times, referred to the Sacramento delegation, and ordered printed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Hilborn offered a resolution, as follows:

*Resolved*, That there be added to the standing committees of the Senate a Committee on Fisheries, to whom shall be referred all matters relative to the preservation and culture of fish; that said committee shall consist of five members.

Rules suspended and the resolution adopted.  
By Mr. Tinnin:

*Resolved*, That the Senate take a recess on each day of its session, from twelve o'clock and thirty minutes P. M. to one o'clock and thirty minutes P. M.

Laid over one day, under the rule.

On motion, all the absentees were granted leave of absence for one day.

By Mr. Turner:

*Resolved*, That the Committee on the Judiciary be requested to draft and present a bill for the better protection of witnesses in criminal cases. Refer to sections eight hundred and seventy-eight, eight hundred and seventy-nine, eight hundred and eighty, eight hundred and eighty-one, eight hundred and eighty-two, and eight hundred and eighty-three of Penal Code.

Adopted.

At twelve o'clock and thirty-five minutes P. M. Mr. Fraser moved that the Senate take a recess until two o'clock P. M.

Lost.

Mr. Haymond moved to now take up the general file, to consider local bills thereon.

So ordered.

#### GENERAL FILE.

Senate Concurrent Resolution No. 12—Concerning the granting of homesteads to soldiers and sailors, their widows and orphans.

Read third time and adopted.

Senate Bill No. 29—An Act to add an additional section to the Code of Civil Procedure.

Substitute for the bill adopted.

On motion of Mr. Lewis, passed on file. Subsequently taken up, on motion of Mr. Graves, rules suspended, considered engrossed, read third time, and passed.

Senate Bills Nos. 54, 65, 77, and 89, passed on file.

Senate Bill No. 66—An Act to create a library for the University of California, and to provide a fund therefor.

Indefinitely postponed.

Senate Bill No. 40—An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to this State, approved March twenty-eighth, eighteen hundred and seventy-four.

Mr. Edgerton moved to refer the bill to the Judiciary Committee.  
So ordered.

Senate Bill No. 33—An Act to amend section six hundred and twenty-six of the Penal Code.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 54—An Act granting leave of absence to Wm. T. Beville, Assessor of Colusa County.

Indefinitely postponed.

Senate Bill No. 94—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of land for taxes.

Amendments adopted.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 52—An Act to fund certain indebtedness of Plumas County.

Read third time and passed.

Senate Bill No. 83—An Act to amend section four hundred and eighty-seven of the Penal Code, relating to crimes and punishments.

Mr. Lewis moved to pass the bill on the file.

Lost.

On engrossment the ayes and noes were demanded by the requisite number, and the Senate refused to engross the bill, by a vote as follows:

AYES—Messrs. Bartlett, Bush, Eakin, Edgerton, Farley, Graves, Haymond, Hendricks, Lewis, McCarthy, McGarvey, and Pierson—12.

NOES—Messrs. Angney, Craig, Fraser, Gibbons, Hilborn, Hill, Hopkins, Howe, McCune, Montgomery, Satterwhite, Spencer, Timin, Turner, and Tuttle—15.

Senate Bill No. 79—An Act to amend section seven hundred and eighty-three of the Penal Code.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

[Mr. Lewis in the chair.]

Senate Bill No. 84—An Act to add another section to the Civil Code, relating to corporations.

Amendments adopted.

On motion of Mr. Haymond, the bill was referred to the Judiciary Committee.

Senate Bill No. 85—An Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishments.

Referred to the Judiciary Committee.

Senate Bill No. 81—An Act to regulate salaries and to fix the compensation of certain officers in the County of Contra Costa.

Amendments adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 100—An Act to regulate fees of office and to fix the compensation of certain officers in the County of Contra Costa.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bills Nos. 96 and 97, and Senate Concurrent Resolutions Nos. 10 and 13, passed on file.

Senate Joint Resolution No. 14—In regard to granting pensions to soldiers of the Mexican War.

Rules suspended, considered engrossed, read third time, and adopted.

Senate Joint Resolution No. 7—Asking a modification of our treaty with China.



Rules suspended, considered engrossed, read third time, and adopted.

Assembly Concurrent Resolution No. 3—Relating to a breakwater at the Port of San Luis Obispo.

Read third time and adopted.

Senate Bill No. 15—An Act to amend Article IX. of Chapter I. of Title VI. of the Political Code.

Mr. Pierson moved to make the bill a special order for Wednesday, the twelfth instant, at one o'clock P. M., and that the amendments proposed by the committee be printed.

On a division, that part of the motion in relation to printing the amendments was lost, and the bill was made a special order for the day and time mentioned above.

Senate Bill No. 53—An Act to provide for the redemption of certain bonds of the County of Solano.

Amended.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 113—An Act to amend an Act, approved March twenty-seventh, eighteen hundred and seventy-four, relative to fees of witnesses in certain counties named therein.

Indefinitely postponed.

Senate Bill No. 119—An Act to further amend section three thousand three hundred and eighty-two of the Political Code.

Indefinitely postponed.

Senate Bill No. 116—An Act to exempt active and exempt firemen from jury duty, military duty, and the payment of poll taxes, in the County of San Joaquin.

Mr. Tuttle presented a petition in reference to the bill, and moved to refer the bill, with the petition, to the Committee on the Judiciary.

So ordered.

Senate Concurrent Resolution No. 15—Relative to final adjournment of the Legislature.

Lost.

Assembly Concurrent Resolution No. 13—Relating to printing the Governor's inaugural address in Spanish.

Adopted.

Senate Bill No. 126—An Act making the County Recorder of Solano County ex officio Auditor of said county, and fixing his compensation.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bills Nos. 90, 93, and 120 were passed on file.

The following committee, appointed by the President pro tem., was announced by the Chair:

Committee on Fisheries—Messrs. Hilborn, Hill, Angney, Gibbons, and Shirley.

#### INTRODUCTION OF BILLS.

The following bills were introduced by consent:

By Mr. Roach—An Act to establish water rates in the City and County of San Francisco.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. Haymond—An Act to appropriate twenty per cent. held back by the State from the contractor of the Folsom prison, to the

payment of equitable claims for moneys and supplies furnished, and for work and labor done at said prison.

Read first and second times and referred to the Committee on Claims.

Also, an Act to amend sections two hundred and eleven and two hundred and thirteen of the Penal Code.

By Mr. Fraser—An Act to amend section four hundred and ninety-one of the Penal Code.

The above bills were each read first and second times and referred to the Committee on the Judiciary.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, January 10th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the dates set forth therein, passed Assembly Bill No. 6—An Act to repeal an Act entitled an Act to prevent the voters of every township or incorporated city in the State to vote on the question of granting licenses to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 42—An Act to amend section one thousand seven hundred and fifty-three of the Political Code of California.

Also, Assembly Bill No. 43—An Act to amend section seventeen hundred and ninety-two of the Political Code of California.

Also, Assembly Bill No. 71—An Act to prevent certain animals and fowls from running at large within the limits of the Town of Fresno.

CHAS. W. O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 6, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 71, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bills Nos. 43 and 44, above reported, read first and second times and referred to the Committee on Education.

#### ADJOURNMENT.

At one o'clock and fifty-eight minutes P. M., on motion of Mr. Tuttle, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, January 11th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Mr. Bush was granted indefinite leave of absence, and by consent all the absentees were granted one day's leave of absence.

## PETITIONS.

Mr. Satterwhite presented a communication prefaced as follows:

ROOMS OF THE BAR ASSOCIATION,

SAN BERNARDINO, December 24th, 1875.

MR. PRESIDENT: Your committee, appointed at our last meeting to draft a preamble and resolutions opposing the frequent and unnecessary changes of our Codes by the Legislature of this State, beg leave to submit the following report, and recommend its adoption.

Respectfully,

HENRY M. WILLIS,	} Committee.
W. J. CURTIS,	
JOHN BROWN, JR.,	

Received, and, on motion of Mr. Satterwhite, the report was referred to the Judiciary Committee.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

Mr. Timmin, for the Committee on Contingent Expenses, reported a resolution recommended by the Chairman of the Committee on Engrossment, allowing the Engrossing Clerk to appoint four assistants, at the per diem paid the Engrossing Clerk; with an amendment making the per diem six dollars instead of eight dollars.

Rules suspended and the resolution taken up. The amendment making the per diem six dollars was adopted.

Mr. O'Connor moved to strike out "four," as the number of assistants, and to insert "two."

Amendment adopted.

The resolution, amended to read as follows, was then adopted:

*Resolved*, That the Engrossing Clerk of the Senate be and he is hereby authorized to appoint two assistants: said assistants to be allowed a per diem of six dollars, payable out of the appropriation for the contingent expenses of the Senate.

By Mr. Turner:

MR. PRESIDENT: The Committee on Education have had under consideration Assembly Bill No. 42—An Act to amend section seventeen hundred and fifty-three of the Political Code; also, Assembly Bill No. 43—An Act to amend section seventeen hundred and ninety-two of the Political Code—and report the same back with substitutes, and recommend the adoption of the substitutes and the passage of the bills.

Also, Senate Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma, approved January sixth, eighteen hundred and seventy-two—report the same back and recommend its passage.

TURNER, for Committee.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lewis—An Act to amend certain sections of the Political Code, relating to the school law.

Read first and second times and referred to the Committee on Education.

By Mr. Lindsey—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code, relating to the pay of witnesses.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. McCoppin—An Act to amend section three thousand seven hundred and ninety-nine of the Political Code, and to exempt the City and County of San Francisco from the provisions of sections three thousand eight hundred and two, three thousand eight hundred and three, and three thousand eight hundred and eighty-one of the Political Code.

Read first and second times and referred to the San Francisco delegation.

By Mr. Pierson—An Act in relation to certain taxes on debts on moneys secured by mortgage on real property.

Also, an Act to regulate Sheriffs' fees in certain counties in this State.

The above bills were each read first and second times and referred to the Judiciary Committee.

Mr. Haymond, by unanimous consent, withdrew Senate Bills Nos. 13 and 14, asking permission to do so at the request of Mr. Tuttle, the author of the bills.

Mr. Haymond, also, by unanimous consent, withdrew Senate Bill No. 168, introduced by him on yesterday.

By Mr. Haymond—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Also, an Act concerning streets in the City of Sacramento.

The above bills were each read first and second times and referred to the Sacramento delegation.

By Mr. Shirley—An Act to amend section eight hundred and one of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

By Mr. Laine—An Act to amend section eleven hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Bartlett moved to take from the table Assembly Concurrent Resolution No. 16—Relative to limiting the time for the introduction of bills.

Lost.

Mr. Roach offered a resolution as follows:

*Resolved*, That the Committee on Military Affairs be allowed to employ a clerk, provided his services be rendered without cost to the State.

Adopted.

On motion of Mr. McGarvey, the following resolution was taken from the table:

*Resolved*, That the Sergeant-at-Arms be required to obtain from the Secretary of State one copy of the Codes and amendments thereto, for each newspaper reporter, for his or her use during this session, to be returned to the Secretary of State at the end of the session; the books not to be taken from the Senate Chamber.



Mr. Tinnin offered an amendment, as follows: "Provided said Codes are in the possession of the Secretary of State, and can be appropriated to that use."

Adopted.

And the resolution, as amended, adopted.

On motion of Mr. Hendricks, the following resolution was taken from the table:

WHEREAS, We are approaching the hundredth birthday of our independence; and whereas, a general reunion of the new large and wide-spread family of these United States is called at Philadelphia, in eighteen hundred and seventy-six; and whereas, the eyes of the world are turned upon us, to discover whether the vestal fires of liberty still burn in the hearts of children whose fires lighted them one hundred years ago; and whereas, every State should, and nearly every State has, through its Legislature, contributed more or less fuel to this contemplated bonfire of liberty and independence; therefore,

*Resolved by the Senate, the Assembly concurring,* That a joint committee of five, two from the Senate and three from the Assembly, be appointed to investigate the subject and report at their earliest convenience.

Adopted.

#### GENERAL FILE.

Senate Bill No. 31—An Act concerning the office of County Clerk of the City and County of San Francisco.

Amendments adopted.

Mr. McCarthy moved to suspend the rules to consider the bill engrossed, and place it on its passage; on which the ayes and noes were demanded by Messrs. Bartlett, Graves, and Pierson, and the motion prevailed, by a vote as follows:

AYES—Messrs. Edgerton, Farley, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Numan, Pierson, Rouch, Satterwhite, Shirley, and Tinnin—21.

NOES—Messrs. Angney, Bartlett, Flint, Laine, Lindsey, McCune, O'Connor, Turner, and Tuttle—9.

Read third time, and on the passage of the bill the ayes and noes were demanded by Messrs. Bartlett, Angney, and Howe, and it passed, by a vote as follows:

AYES—Messrs. Eakin, Edgerton, Farley, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Numan, Pierson, Rouch, Satterwhite, and Shirley—21.

NOES—Messrs. Angney, Bartlett, Flint, Laine, Lindsey, McCune, O'Connor, and Turner—8.

Assembly Bill No. 51—An Act in relation to roads in Plumas County.

Read third time and passed.

Mr. Numan introduced the following bill, under a suspension of the rules: An Act to amend an Act entitled an Act to provide for the restoration and preservation of fish in the waters of this State, approved April second, eighteen hundred and seventy.

Read first and second times and referred to the Committee on Fisheries.

Mr. McCarthy submitted the following report:

#### SENATE CHAMBER,

SACRAMENTO, JANUARY 10th, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined, and find correctly enrolled, Senate Bill No. 6—An Act to amend the Political Code of the State of California, concerning the redemption of property sold for taxes.

Also, Senate Bill No. 91—An Act to repeal sections three hundred and sixty-three and seven hundred and two of the Political Code.

Also, Senate Bill No. 105—An Act to amend section three thousand seven hundred and fifty-six of the Political Code.

And on January eleventh, at eleven and a half o'clock A. M., eighteen hundred and seventy-six, delivered the same to the Governor for his approval.

T. McCARTHY, for Committee.

Mr. Edgerton moved to temporarily postpone the special order set for one o'clock P. M.

So ordered.

#### GENERAL FILE RESUMED.

Senate Bill No. 54—An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs.

Amendments adopted in the Committee of the Whole concurred in.

Mr. Edgerton moved to recommit the bill to the Judiciary Committee, with special instructions to report the same, with such recommendations as they may deem proper.

The motion prevailed, and the bill was so referred.

Mr. McCoppin, by unanimous consent, withdrew Senate Bill No. 153, being a special order set for this day, at one o'clock P. M.

Senate Bill No. 65—An Act to amend sections three hundred and forty and one thousand two hundred and ninety of the Code of Civil Procedure.

Amendments of the Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Title amended.

Senate Bill No. 77—An Act to repeal section eight hundred and sixty-nine and amend section eight hundred and seventy of the Penal Code.

Mr. Laine moved a call of the Senate. The call was ordered by the Senate.

The roll was called, and the following Senators were present :

Messrs. Angney, Bartlett, Eakin, Edgerton, Farley, Flint, Fraser, Graves, Haymond, Hilborn, Howe, Laine, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Satterwhite, Shirley, Turner, and Tuttle.

On motion of Mr. Edgerton, further proceedings under the call were dispensed with.

Senate Bill No. 77 resumed.

On engrossment, the ayes and noes were demanded by the requisite number, and the Senate refused to engross the bill, by a vote as follows :

AYES—MESSRS. Farley, Hendricks, Laine, McCune, McGarvey, and O'Connor—6.

NOES—MESSRS. Angney, Bartlett, Eakin, Edgerton, Flint, Fraser, Graves, Hilborn, Howe, Lindsey, Martin, Montgomery, Nunan, Roach, Satterwhite, Shirley, Tinnin, Turner, and Tuttle—19.

#### ADJOURNMENT.

At two o'clock and twenty-two minutes P. M., on motion of Mr. Satterwhite, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, January 12th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read, amended, and approved.

Mr. Haymond was granted leave of absence for one day.

## REPORTS OF STANDING COMMITTEES.

Mr. Lewis submitted a report, as follows:

SENATE CHAMBER,  
January 12th, 1876. }

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 84—Entitled an Act to add a new section to the Civil Code, relating to corporations—have duly considered the same, and herewith report the bill back with a substitute therefor, and respectfully recommend the adoption and passage of the substitute.

Also, Senate Bill No. 85—Entitled an Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishments—and herewith report the same back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

LEWIS, Chairman.

By Mr. Flint:

SENATE CHAMBER,  
SACRAMENTO, January 11th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined, and find correctly engrossed, Senate Bill No. 33—Entitled an Act to amend section six hundred and twenty-six of the Penal Code.

Also, Senate Bill No. 94—Entitled an Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of land for taxes.

Also, Senate Bill No. 79—Entitled an Act to amend section seven hundred and eighty-three of the Penal Code.

FLINT, for Committee.

## ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, January 11th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the dates herein set forth, passed Assembly Bill No. 35—An Act to amend sections nine hundred and fifty-six, one thousand and thirty-three, and one thousand and thirty-four of the Penal Code.

Also, Assembly Bill No. 44—An Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 45—An Act supplementary to an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 90—An Act to authorize the Common Council of the City of Los Angeles to pay certain indebtedness created by the former Board of Water Commissioners.

Also, Assembly Bill No. 94—An Act concerning the office of County Surveyor of the County of Santa Cruz.

Also, substitute for Assembly Bill No. 138—An Act to amend an Act entitled an Act to facilitate and increase the collection of State, county, and municipal license of the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two.

O'NEIL, Assistant Clerk.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January eleventh, passed, under suspension of the rules, Assembly Bill No. 92—An Act making appropriation for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 35, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 44, 45, 90, 94, and 138, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 92, above reported, read first and second times and referred to the Committee on Finance.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to amend an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Gibbons (by request)—An Act to amend the Political Code. Also (by request), an Act to amend the Civil Code.

The above bills each read first and second times and referred to the Judiciary Committee.

By Mr. Pierson—An Act in relation to sales and conveyances of the Mutual Real Estate Company.

Read first and second times and referred to the Committee on Corporations.

By Mr. Roach—An Act to amend sections three thousand seven hundred and fifty-eight and three thousand seven hundred and sixty-four of the Political Code.

Read first and second times and referred to the Judiciary Committee, with a request to report it back to-morrow.

By Mr. Eakin—An Act entitled an Act to amend section one thousand one hundred and thirteen of the Political Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Turner—An Act to amend section six hundred and twenty-seven of the Penal Code.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Evans—An Act to further define the duties of the shorthand reporter of the County Court of the County of San Joaquin.

Read first and second times and referred to the Judiciary Committee.

Also, an Act to empower the City Council of the City of Stockton to adopt measures to protect said city from inundation, and for the taking of private property for public use.

Read first and second times and referred to the Judiciary Committee.



By Mr. Graves—An Act to regulate the practice of medicine in the State of California.

Read first and second times and referred to the Committee on Hospitals.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Tuttle gave notice of the introduction of an Act making appropriations for the support of the State government for the twenty-eighth and twenty-ninth fiscal years.

#### GENERAL FILE.

Senate Bill No. 89—An Act to abolish the State Board of Tide Land Commissioners, and repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code.

Amendments adopted in the Committee of the Whole concurred in.

Amended.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 96—An Act to amend section ten hundred and seventy of the Penal Code, relating to peremptory challenges.

At twelve o'clock M., the hour set for the consideration of the following special order:

Action on appointment of Pilot Commissioners.

Certain official appointments made by the Governor since the adjournment of the last Legislature.

Mr. Tinnin moved to postpone the same until Wednesday, January seventeenth, at the same hour.

So ordered.

Mr. Farley moved the indefinite postponement of Senate Bill No. 96, now under consideration.

On the motion, the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Farley, Graves, Hendricks, Hopkins, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Numan, Pierson, Rogers, and Satterwhite—15.

NOES—Messrs. Angney, Bartlett, Bush, Eakin, Edgerton, Evans, Flint, Fraser, Gibbons, Howe, Laine, Lindsey, McCune, O'Connor, Roach, Tinnin, Turner, and Tuttle—18.

The bill was ordered engrossed.

Senate Bill No. 97—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relating to the removal of county seats.

Mr. O'Connor moved to refer the bill to the Committee on Counties and County Boundaries.

So ordered.

Senate Concurrent Resolution No. 10—In reference to the change of route of the Southern Pacific Railroad; and Senate Concurrent Resolution No. 13—Relating to the Atlantic and Pacific Railroad Reserve—were each referred to the Committee on the Judiciary, with a request to report them on Friday next.

Senate Bill No. 90—An Act to repeal certain sections of the Political Code, relating to public schools.

Mr. Evans moved to recommit the bill to the Committee on Education.

Mr. Satterwhite offered an amendment to the motion, "that the bill be passed on file."

Amendment adopted, and the bill passed on file.

Senate Bill No. 93—An Act to amend certain sections of the Political Code, relating to public schools.

Passed on file.

Senate Bill No. 120—An Act to amend an Act entitled an Act to provide for the location and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 42—An Act to amend section one thousand seven hundred and fifty-three of the Political Code of California.

Substitute adopted. Read third time and passed.

Assembly Bill No. 43—An Act to amend section one thousand seven hundred and ninety-two of the Political Code of California.

Substitute adopted. Read third time and passed.

Senate Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma.

Rules suspended, considered engrossed, read third time, and passed.

#### SPECIAL ORDER.

Wednesday, January twelfth, eighteen hundred and seventy-six, at one o'clock p. m. Senate Bill No. 108—An Act to establish and maintain a training-ship in the City and County of San Francisco.

Amended.

Mr. Rogers moved to refer the bill to the Judiciary Committee.

Lost.

On motion of Mr. Edgerton, the bill was referred to the Judiciary Committee, with special instructions to report the same on Friday next.

#### SPECIAL ORDER.

Wednesday, January twelfth, eighteen hundred and seventy-six, at one o'clock p. m. Senate Bill No. 15—An Act to amend Article IX. of Chapter I. of Title VI. of the Political Code.

Considered as in Committee of the Whole.

#### IN SENATE.

Mr. O'Connor moved to postpone the further consideration of the bill until to-morrow at one o'clock p. m., to be made a special order for that hour.

So ordered.

#### ADJOURNMENT.

At four o'clock p. m., on motion of Mr. McCoppin, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,

Thursday, January 13th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Lindsey presented a petition from citizens of Tulare County, asking that an Act to protect agriculture and to prevent the trespassing of animals, etc., as applied to the counties named in the petition, be amended.

Received, and laid on the table, on motion of Mr. Lindsey.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Angney:

MR. PRESIDENT: The Committee on Public Lands have had under consideration Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning the sale of public lands—and report the same back, with a recommendation that it pass.

Also, Senate Bill No. 157—An Act to amend section three thousand five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office—and return the same, with a recommendation that it pass.

ANGNEY, for Committee.

By Mr. McCune:

MR. PRESIDENT: The Committee on Counties and County Boundaries have had under consideration Senate Bill No. 97—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relative to the removal of county seats—and report the same back, with a substitute therefor, and respectfully recommend the adoption and passage of the substitute.

H. E. McCUNE, Chairman.

By Mr. Nunan:

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 73—An Act to amend section four thousand one hundred and twenty-two of the Political Code, relating to official bonds; Assembly Bill No. 46—An Act fixing the bonds of County Treasurers of the Counties of Mariposa and Calaveras; and Assembly substitute for said Assembly Bill No. 46—An Act fixing the bonds of the County Treasurers of the Counties of Mariposa and Calaveras—having carefully considered the said bills, respectfully report them back, and recommend the passage of the accompanying bill as a substitute for all of said bills.

Also, having carefully examined Senate Bill No. 140—An Act to separate the office of County Auditor from the office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern—have amended the same, respectfully report the bill back, and recommend its passage as amended.

Also, having carefully examined Senate Bill No. 183—An Act to amend an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two—respectfully report the same back, and recommend its passage.

Also, having carefully examined Senate Bill No. 174—An Act to amend section thirteen hundred and twenty-nine of the Penal Code, relating to the pay of witnesses—respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 74—An Act regulating the salaries of certain officers of Tuolumne County—having carefully examined the same, respectfully report the same back with a substitute, and recommend the passage of the substitute.

EDWARD NUNAN,

Chairman of Committee on State and County Revenue.

By Mr. Roach :

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 138, in reference to the License Collector's office, have considered the same, and recommend its indefinite postponement.

They have also considered Senate Bill No. 56 (introduced by Senator Nunan), to authorize the appropriation of certain moneys, and recommend the passage of a substitute therefor.

They have also considered Senate Bill No. 115 (introduced by Senator McCarthy), providing for a fire patrol, and recommend its reference to the Committee on Corporations.

ROACH, Chairman.

The bill was so referred.

By Mr. McGarvey :

SACRAMENTO, January 13th, 1876.

MR. PRESIDENT: Your committee, to whom was referred Assembly Bill No. 29—An Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County—report it back, and recommend that it be referred to the Committee on Hospitals.

R. MCGARVEY, for Committee.

The bill was so referred.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Graves :

MR. PRESIDENT: The delegation from San Luis Obispo County having considered Assembly Bill No. 151—An Act to repeal an Act entitled an Act to provide road funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four—report the bill back, and recommend its indefinite postponement.

W. J. GRAVES, for Delegation.

Mr. Edgerton, for the Sacramento County delegation, verbally reported Assembly Bill No. 62—An Act entitled an Act to amend section two of an Act entitled an Act to provide for the government of common schools in the City of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two—recommending its passage.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. )  
SACRAMENTO, January 13th, 1876. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 6—An Act to amend the Political Code of the State of California, concerning the redemption of property sold for taxes.

Also, Senate Bill No. 30—An Act to amend an Act entitled an Act to fund certain indebtedness of Sonoma County, approved February twelfth, eighteen hundred and seventy-four.

Also, Senate Bill No. 91—An Act to repeal sections three hundred and sixty-three and seven hundred and two of the Political Code.

Also, Senate Bill No. 105—An Act to amend section three thousand seven hundred and fifty-six of the Political Code.

WILLIAM IRWIN, Governor.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, )  
SACRAMENTO, January 12th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 99—An Act to authorize the Secretary of State to furnish the County Judge, County Clerk, and District Attorney of Modoc County with certain laws of the State of California.

Also, adopted Assembly Concurrent Resolution No. 20—Concerning expenses of the inaugural ceremonies of the Governor.

O'NEIL, Assistant Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 99, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Concurrent Resolution No. 20, above reported. Amendment adopted in the Committee of the Whole concurred in.

The resolution, as amended, concurred in.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Shirley—An Act proposing certain amendments to the Constitution of the State of California.

Read first and second times and referred to the Judiciary Committee.

By Mr. Montgomery—An Act to enable the Board of Trustees of Snelling School District, in the County of Merced, to provide for the payment of the building debt in said school district.

Read first and second times and referred to the Committee on Public Buildings.

Also, an Act to amend section eighty-eight of the Code of Civil Procedure, relating to the terms of the County Court in the County of Merced.

Read first and second times and referred to the Judiciary Committee.

By Mr. McGarvey—An Act to provide for the payment of outstanding claims for the support of public schools in Mendocino County.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Lindsey—An Act to amend an Act entitled an Act to incorporate the City of Visalia, and provide for public schools therein, approved February twenty-seventh, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Corporations.

By Mr. O'Connor—An Act entitled an Act to amend section one thousand seven hundred and thirty-seven of the Code of Civil Procedure of California.

Read first and second times and referred to the Judiciary Committee.

By Mr. Satterwhite—An Act to authorize the construction of a wagon road in San Bernardino County.

Read first and second times and referred to the Committee on Corporations.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Shirley moved to suspend the rules, for the purpose of authorizing the President to appoint an additional member to the Committee on State Prison and Prison Buildings.

So ordered, and the motion was agreed to.

Mr. Tinnin offered a resolution, as follows:

*Resolved*, That after this day the pay of the assistants appointed by or for the Minute Clerk, the Journal Clerk, the Enrolling Clerk, the Engrossing Clerk, and the Copying Clerks, be six dollars per day, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Tinnin moved to take up the resolution in reference to a recess.  
So ordered.

*Resolved*, That the Senate take a recess on each day of its session, from twelve o'clock and thirty minutes P. M. to one o'clock and thirty minutes P. M.

Mr. Tinnin offered an amendment, to strike out the words "twelve o'clock and thirty minutes to one o'clock and thirty minutes," and insert in lieu thereof, "from one to two o'clock P. M."

On motion of Mr. Lewis, the resolution was referred to the Committee on Public Morals.

Mr. Martin, Chairman of the Committee on Public Morals, asked leave to report the resolution, recommending its adoption.

Agreed to, by general consent.

Mr. O'Connor moved to make the resolution a special order for the first Monday in March, at one o'clock P. M.

Carried.

Mr. Lewis moved to suspend the rules, to take up Senate Bill No. 15, a special order set for one o'clock P. M.

Agreed to.

Senate Bill No. 15—An Act to amend Article IX. of Chapter I. of Title VI. of the Political Code.

Considered in Committee of the Whole.

#### IN SENATE.

On motion of Mr. Edgerton, the bill was ordered at the head of the general file for to-morrow.

Mr. Lewis submitted the following report, by consent :

SENATE CHAMBER, )  
SACRAMENTO, January 13th, 1876. }

MR. PRESIDENT: Your Committee on Judiciary respectfully report that they have examined Senate Bill No. 187—An Act to amend sections three thousand seven hundred and fifty-eight and three thousand seven hundred and sixty-four of the Political Code—and report the same back, with a recommendation that the bill pass as amended by them.

LEWIS, Chairman.

Rules suspended and the bill taken up.

Amendment adopted.

Rules further suspended, considered engrossed, read third time, and passed.

Title amended.

On motion of Mr. Roach, the rules were suspended, the bill ordered to be engrossed out of its order, and immediately transmitted to the Assembly.

The President appointed Mr. Angney as the additional member of the Committee on State Prison, as authorized by a resolution adopted this day.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, )  
SACRAMENTO, January 13th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, substitute for Assembly Bill No. 24—An Act to

abate the squirrel nuisance in the Counties of Stanislaus, Santa Cruz, Alameda, San Joaquin, Merced, Fresno, San Benito, Tulare, San Mateo, Santa Clara, Monterey, and Kern Counties.

Also, Assembly Bill No. 114—Fixing the salary of the District Attorney of Humboldt County.

Also, Assembly Bill No. 116—Relative to highways in Los Angeles County.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 114, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 116, above reported, read first and second times and referred to the delegation named in the bill.

Assembly Bill No. 24, above reported, read first and second times and referred to the Committee on Agriculture.

Mr. Laine, for the Special Committee on Retrenchment and Reform, by leave submitted a report:

MR. PRESIDENT: Your Special Committee on Retrenchment and Reform, after as mature and careful consideration of the subject as their time would allow, respectfully submit

On motion of Mr. Laine, the further reading of the report was dispensed with.

Mr. Laine moved to print one thousand copies; subsequently accepted an amendment, offered by Mr. Edgerton, making the number two thousand copies of the report.

Mr. Hilborn offered an amendment, to make the number five hundred copies.

Lost.

When the Senate ordered two thousand copies of the report printed.

#### IN MEMORIAM.

Mr. Rogers, successor of Hon. Seldon J. Finney, deceased, rising from his seat, spoke as follows:

MR. PRESIDENT: I am about to submit a resolution of respect for the consideration of the Senate. Since the adjournment of the last Legislature my predecessor in office, Hon. Seldon J. Finney, has passed away. I had a brief acquaintance with him, we having served together in the other branch of the Legislature six years since.

This resolution has a double significance—of sadness, inasmuch as it brings up a painful and lamented episode; and of a more pleasing nature, in that it gives us an opportunity of testifying our respect to the memory of a worthy man, an accomplished gentleman, and a distinguished citizen. In reminding the Senate of the worth of one who has in times gone by occupied this very seat, and voted and spoken within the walls which are around us to-day, I conceive that the few words I have to say, and the simple resolution I have to offer, will meet with a favorable concurrence.

It is not my place or purpose to detain you long with a recital of the virtues or a palliation of the faults of my predecessor. Seldon J. Finney is dead! and in saying this I have consummated criticism and exhausted panegyric, for he is beyond the reach of both. I might say, and with truth, that in every relation of life he was esteemed, respected, and beloved. He commanded the confidence and extorted the admiration of his constituents, not less by his unswerving integrity than by his solid and brilliant worth. I might say, and the language, although figurative, would convey no more than the truth, that there was not a dry eye in San Mateo County when the intelligence of his sudden and exceptionally distressing death was first known. Much more might be said and yet leave the half untold, but at present it is needless.

"No further seek his merits to disclose,

Or draw his frailties from their dread abode;

There they alike in trembling hope repose—

The bosom of his Father and his God."

I am not here to pronounce an eulogism on the deceased Senator; only to call to your minds the facts of his lamented death, and to propose a measure of proper respect to his memory.

To many whom I have the honor to address, he was personally known, to others, not so for-

tunate, he was known by reputation. His life, when not engaged in the active discharge of those high political duties to which the suffrages of his countrymen called him, was a retired one, for he was a man of retired habits. I have passed by his many virtues with scarcely a passing word of comment. Is it fair, then, to recount his failings, without which no human being has ever lived? Their head-roll is soon told, and they dwarf themselves in the very recital. His worst enemy laid no graver fault to his charge than eccentricity—a fault, if it be such, which is excused, if not eclipsed, by his commanding genius. A certain inconsistency in his political conduct may be attributed to this failing, or, perhaps, rather to the unswerving integrity of the man, who preferred to change repeatedly, so long as he was sure he was right in the end. Such was Seldon J. Finney, as nearly as my poor words can depict him; and there are many here who will bear me witness, that I do him no more than justice.

As his successor in the senatorial seat which was once graced by his presence, I do now move the adoption of the following resolution:

*Resolved*, That the Senate do now adjourn out of respect to the memory of the Hon. Seldon J. Finney, late Senator from San Mateo and San Francisco Counties.

Mr. Tuttle, in favoring the adoption of the resolution, spoke as follows:

MR. PRESIDENT: I can heartily indorse all that has been said regarding the Hon. Seldon J. Finney. During the last session of the Senate, when he was on this floor as a Senator, he occupied a seat directly back of the one occupied by myself, and I can cheerfully testify to his real worth. When I first met him I must confess that I differed widely from his political ideas, yet during all the time I sat with him, and learned him better, I learned to respect him, although I differed from his opinions on political questions. In the adoption of this resolution I move that the vote be taken by each Senator rising in his place.

The foregoing remarks were ordered spread upon the journal.

The resolution was adopted unanimously, each Senator rising to his feet.

Accordingly, at two o'clock and twenty-five minutes P. M., the Senate adjourned.

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## IN SENATE.

SENATE CHAMBER, }  
Friday, January 14th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## PETITION.

Mr. Evans presented a petition, numerously signed by citizens of this State, asking an appropriation sufficient to aid the State Board of Centennial Managers to carry out the objects set forth in the petition.

Received, and referred to the Committee on Finance.

## REPORTS OF STANDING COMMITTEES.

Reports were made as follows:



By Mr. Lewis:

SENATE CHAMBER.

January 14th, 1876. j

MR. PRESIDENT: The Committee on the Judiciary, to whom was referred Senate Concurrent Resolution No. 10,—in reference to the change of route of the Southern Pacific Railroad—have had the same under consideration, and report progress, and a majority of the committee ask further time to consider the same.

Also, Senate Joint Resolution No. 13—Relative to the Atlantic and Pacific Railroad Reserve— and herewith report the same back, and a majority of the committee recommend that it do not pass.

Also, Senate Bill No. 108—An Act to establish and maintain a training-ships in the City and County of San Francisco—report progress, and respectfully ask for further time to consider the same.

LEWIS, Chairman.

Mr. Edgerton moved that the Judiciary Committee be allowed until Tuesday next to report Senate Concurrent Resolution No. 10, above reported.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Hilborn, Hopkins, Lewis, McCarthy, McCoppin, McCarvey, Montgomery, Pierson, Rogers, Satterwhite, Shirley, and Tinnin—20.

NOES—Messrs. Anguey, Bartlett, Bush, Eakin, Hendricks, Howe, Laine, Landsey, Martin, McCune, O'Connor, Roach, Turner, and Tuttle—14.

The committee were granted further time to consider and report Senate Bill No. 108, as per their request.

On motion of Mr. Edgerton, the rules were suspended to take up Senate Bill No. 15 from the general file.

Senate Bill No. 15—An Act to amend Article IX. of Chapter I. of Title VI. of the Political Code.

Considered in Committee of the Whole.

In Senate, the amendments adopted in the Committee of the Whole were concurred in.

Mr. Edgerton moved to refer the bill to a special committee of three, with instructions to report the same on Monday morning next: on which the ayes and noes were demanded by Messrs. Howe, Lewis, and Edgerton, and the Senate refused to refer the bill, by a vote as follows:

AYES—Messrs. Edgerton, Evans, Flint, Fraser, Gibbons, Graves, Hilborn, Laine, McCune, McCarvey, Montgomery, Pierson, Satterwhite, and Shirley—14.

NOES—Messrs. Anguey, Bartlett, Bush, Craig, Farley, Howe, Lewis, Martin, McCarthy, McCoppin, O'Connor, Roach, Rogers, Tinnin, Turner, and Tuttle—16.

The bill was further amended.

Mr. Evans moved to order the bill printed as amended, and to be returned to the head of the general file: on which the ayes and noes were demanded by Messrs. Howe, Evans, and Edgerton, and the motion prevailed, by a vote as follows:

AYES—Messrs. Bush, Edgerton, Evans, Flint, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hopkins, Laine, Landsey, McCarthy, McCarvey, Montgomery, Pierson, Satterwhite, Shirley, and Turner—19.

NOES—Messrs. Anguey, Bartlett, Craig, Eakin, Farley, Howe, Lewis, Martin, McCoppin, McCune, O'Connor, Roach, Tinnin, and Tuttle—14.

Mr. Tuttle, for the Committee on Education, verbally reported Assembly Bill No. 60—An Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou,

Modoc, and Sonoma Counties—with an amendment, recommending the adoption of the amendment, and the passage of the bill as amended.

Rules suspended and the bill taken up. Amendment adopted.

Read third time and passed.

#### GENERAL FILE.

Senate Bill No. 84—An Act to add another section to the Civil Code, relating to corporations.

Substitute adopted. Ordered engrossed.

On motion of Mr. Edgerton, the rules were suspended to take up Assembly Bill No. 62—An Act entitled an Act to amend section two of an Act entitled an Act to provide for the government of the common schools in the City of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two.

Read third time and passed.

Senate Bill No. 85—An Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishments.

Amendment adopted. Ordered engrossed.

Senate Bills Nos. 90 and 93 passed on file.

Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning the sale of public lands.

Amendment adopted. Ordered engrossed.

Senate Bill No. 157—An Act to amend section three thousand five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office.

Amended. Ordered engrossed.

Senate Bill No. 97—An Act to amend section two thousand nine hundred and eighty-five of the Political Code, relative to the removal of county seats.

Substitute adopted. Ordered engrossed.

Assembly Bills Nos. 46 and 73 passed on file.

Senate Bill No. 140—An Act to separate the office of County Auditor from the office of County Recorder, and to regulate the salaries of certain officers in the Counties of Fresno, Tulare, and Kern.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 183—An Act to amend an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 174—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code, relating to the pay of witnesses.

Indefinitely postponed.

Senate Bill No. 74—An Act regulating salaries of certain officers of Tuolumne County.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 56—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and authorize certain appropriations of money by said Board.

Mr. Howe moved to place the bill at the bottom of the general file for to-morrow.

So ordered.

Assembly Bill No. 151—An Act to repeal an Act entitled an Act to provide road funds for the Counties of San Luis Obispo and Santa Barbara.

Mr. Tuttle moved to refer the bill to the Judiciary Committee.

Lost.

On motion of Mr. Graves, the bill was indefinitely postponed.

Assembly Bill No. 138—An Act to amend an Act entitled an Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two.

Indefinitely postponed.

Mr. McCarthy submitted a report, as follows:

SENATE CHAMBER,  
SACRAMENTO, January 14th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 187—An Act to amend sections three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, and three thousand seven hundred and ninety of the Political Code—and this day, at twelve o'clock and thirty minutes P. M., delivered the same to his Excellency the Governor for his approval.

T. MCCARTHY,  
Chairman of the Committee on Enrollment.

Mr. Lewis gave notice of an Act to fix the salary of the Assessor of the County of Tehama.

Mr. Craig submitted the following reports:

SENATE CHAMBER,  
SACRAMENTO, January 13th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 81—An Act to regulate salaries and to fix the compensation of certain officers in the County of Contra Costa.

Also, Senate Bill No. 100—An Act to regulate fees of office and to fix the compensation of certain officers in the County of Contra Costa.

Also, Senate Joint Resolution No. 14—In regard to granting pensions to soldiers of the Mexican war.

Also, Senate Concurrent Resolution No. 7—Asking a modification of our treaty with China.

Also, Senate Bill No. 53—An Act to provide for the redemption of certain bonds in the County of Solano.

FLINT, for the Committee.

SENATE CHAMBER,  
SACRAMENTO, January 13th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 187—An Act to amend sections three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, and three thousand seven hundred and ninety of the Political Code.

CRAIG, Chairman.

SENATE CHAMBER,  
SACRAMENTO, January 14th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 126—An Act making the County Recorder of Solano County ex officio Auditor of said county, and fixing his compensation.

Also, Senate Bill No. 29—An Act to add an additional section to the Code of Civil Procedure.

Also, Senate Bill No. 31—An Act concerning the office of County Clerk of the City and County of San Francisco.

Also, Senate Bill No. 65—An Act to amend sections three hundred and forty and twelve hundred and ninety of the Code of Civil Procedure.

CRAIG, for the Committee.

## ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, January 13th, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 20—An Act to amend section one of an Act to provide for the relief and maintenance of the indigent sick of Klamath County.

Also, Assembly Bill No. 21—An Act to regulate the distribution and use of the road tax in the County of Stanislaus.

Also, Assembly Bill No. 69—An Act to fix the bonds of the Tax Collectors of Fresno, Tulare, and Kern Counties.

Also, Assembly Bill No. 163—An Act to annex Woods' Island, in Brannan School District, in Sacramento County, to Rio Vista School District, Solano County.

Also, Assembly Bill No. 30—An Act to amend section two hundred and forty-five of the Penal Code.

Also, Assembly Concurrent Resolution No. 6—Relative to requesting our Representatives in Congress to secure an appropriation for the improvement of the Harbor of San Luis Obispo.

Also, Senate Bill No. 11—An Act to amend section three hundred and five of the Civil Code, relating to corporations.

Also, Senate Bill No. 32—An Act to amend section two thousand one hundred and seven, and to repeal section two thousand one hundred and two of the Political Code of the State of California.

Also, Senate Bill No. 42—An Act to amend section fifty-eight of the Code of Civil Procedure.  
Also, Senate Bill No. 55—An Act to amend sections seven hundred and fifty-one and seven hundred and fifty-six of the Political Code, in regard to deputies of the Clerk of the Supreme Court.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, January 14th, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January thirteenth, eighteen hundred and seventy-six, passed, under a suspension of the rules, Senate Bill No. 187—An Act to amend sections three thousand seven hundred and fifty-eight and three thousand seven hundred and sixty-four of the Political Code.

FERRAL, Chief Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, January 14th, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 10—An Act in relation to the county officers of Colusa County, their fees and salaries.

Also, Assembly Concurrent Resolution No. 19—Relative to United States Mail Route Number Forty-six Thousand One Hundred and Nine.

Also, Assembly Bill No. 160—An Act to grant leave of absence from the State to George W. Welch, Superintendent of Public Schools of Shasta County.

Also, Assembly Bill No. 183—An Act to authorize Grant I. Taggart, former Clerk and Recorder of Shasta County, to certify and sign certain records.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 20, above reported, read first and second times and referred to the delegation named in the bill.

Assembly Bills Nos. 21, 69, and 10, above reported, each read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 163, above reported, read first and second times and referred to the Committee on Education.

Assembly Bills Nos. 30, 183, and 160, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Concurrent Resolutions Nos. 6 and 19, above reported, each read first and second times and referred to the Committee on Federal Relations.



## INTRODUCTION OF BILLS.

Bills were introduced, by general consent, as follows:

By Mr. McCarthy—An Act for the relief of William J. Richardson.

Read first and second times and referred to the San Francisco delegation.

By Mr. McCune—An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Timmin—An Act to amend section four thousand one hundred and twenty of the Political Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Lindsey—An Act to authorize and direct the County Treasurer of Tulare County to pay certain orders drawn on him by the Road Commissioner of said county.

Read first and second times and referred to the Committee on State and County Revenue.

## REPORTS.

Mr. Eakin submitted a report, as follows:

MR. PRESIDENT: The Committee on Roads and Highways have had under consideration Senate Bill No. 118—An Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty third, eighteen hundred and seventy-two, and to repeal certain new sections added to said Act, approved March twenty-eighth, eighteen hundred and seventy-four—report the same back with a substitute, recommend the adoption of the substitute, and the passage of the same.

EAKIN, for Committee.

Mr. Angney submitted a report, as follows:

MR. PRESIDENT: The Finance Committee have examined Senate Bill No. 92—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six—and, after having made an examination of the books in the office of the Secretary of State, with reference to the matters contained therein, report it back, and recommend its passage.

ANGNEY, Chairman.

By Mr. Bush:

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 116—An Act relative to highways in Los Angeles County—beg leave to report the same back, and recommend its passage.

BUSH, for Delegation.

## RESOLUTIONS.

Resolutions were submitted, by leave, as follows:

By Mr. McCarthy:

*Resolved*, That the Enrolling Clerk of the Senate be and he is hereby authorized to appoint one Assistant Clerk, said assistant to be paid out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses.

By Mr. Howe:

*Resolved*, That the Superintendent of Printing be authorized to print immediately, and out of its order, Senate Bill No. 15.

Adopted.

## ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Mr. Fraser, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Saturday, January 15th, 1876. }

Senate met pursuant to adjournment.  
President in the chair.  
Roll called, and a quorum present.  
Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Craig:

SENATE CHAMBER,  
SACRAMENTO, JANUARY 15th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 89—An Act to abolish the State Board of Tide Land Commissioners and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code.

Also, Senate Bill No. 96—An Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges.

Also, Senate Bill No. 120—An Act to amend an Act entitled an Act to provide for the location and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four.

Also, Senate Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma, approved January sixth, eighteen hundred and seventy-two.

CRAIG, Chairman.

Mr. Tuttle, for the Committee on Education, verbally reported Senate Bill No. 142—requesting that the bill be printed.

So ordered.

By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 115—An Act to confer certain powers upon corporations organized for the purpose of preventing and discovering fires and of saving property and human life from conflagration—have had the same under consideration and herewith report the bill back, and recommend its passage.

Also, Senate Bill No. 25—An Act to define the rights of passengers on street railroads—and report the same back with amendments, respectfully recommend the adoption of the amendments, and a majority of the committee recommend that the bill do not pass.

Also, Assembly Bill No. 1—An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes—report the same back with an amendment, and respectfully recommend the adoption of the amendment, and a majority recommend the passage of the bill as amended.

FARLEY, Chairman.

## REPORT OF SELECT COMMITTEE.

By Mr. Flint:

MR. PRESIDENT: The Santa Cruz delegation ask leave to report back Assembly Bill No. 94—An Act concerning the office of County Surveyor of the County of Santa Cruz—and recommend its passage, requesting that the bill be referred to the Committee on State and County Revenue.

FLINT, for Delegation.

The bill was so referred.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Shirley—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tinnin—An Act to amend section two hundred and sixty-eight of the Political Code.

Read first and second times and referred to the Committee on Public Expenditures.

By Mr. McGarvey—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the management and sale of lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight; the Act hereby amended having been approved April fourth, eighteen hundred and seventy.

Read first and second times and referred to the Judiciary Committee.

## GENERAL FILE.

Senate Joint Resolution No. 13—Relative to the Atlantic and Pacific Railroad Reserve.

On motion of Mr. Lindsey, passed on file, to be considered in connection with Senate Concurrent Resolution No. 10.

Senate Bills Nos. 90 and 93 passed on file.

Senate Bill No. 73 and Assembly Bill No. 46 passed on file.

Senate Bill No. 148—An Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 92—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Considered in Committee of the Whole.

In Senate, read third time and passed.

Assembly Bill No. 116—An Act relative to highways in Los Angeles County.

On motion of Mr. Bush, referred to the Judiciary Committee.

Senate Bill No. 56 was referred to the San Francisco delegation, on motion of Mr. Howe.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Pierson—An Act to amend sections three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, and three thousand seven hundred and ninety, of the Political Code.

Read first and second times.

Rules suspended, considered engrossed; by general consent read third time, and passed.

Mr. Evans moved a further suspension of the rules, to order the bill transmitted to the Assembly immediately, without engrossment. Agreed to.

By Mr. Laine—An Act to amend section twelve hundred and fifty-four of the Code of Civil Procedure, concerning the condemnation of private property for public use.

Read first and second times and referred to the Judiciary Committee.

#### REPORTS.

Reports were submitted, by leave, as follows:

By Mr. Roach:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 155, introduced by Senator Haymond, have considered the same, and recommend its indefinite postponement.

Also, Senate Bill No. 175, introduced by Senator McCoppin, and report the same back, with a substitute, and recommend the passage of the substitute.

ROACH, Chairman.

MR. PRESIDENT: The Military Committee, to whom was referred Senate Bill No. 49, introduced by Senator Laine, have considered the same, and recommend its passage as amended.

ROACH, Chairman.

By Mr. McCarthy:

SENATE CHAMBER,  
SACRAMENTO, January 15th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 55—An Act to amend sections seven hundred and fifty-one and seven hundred and fifty-six of the Political Code, in regard to deputies for the Clerk of the Supreme Court—and have this day, at eleven o'clock and thirty minutes A. M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

By Mr. Laine:

MR. PRESIDENT: The Special Committee on Retrenchment, to whom was referred Senate Bill No. 95—An Act to amend section seven hundred and ninety-eight of the Political Code, relating to Notaries' fees—herewith report the same back, and recommend its passage.

Also, Senate Bill No. 98—An Act to amend section three thousand seven hundred and eighty-five of the Political Code of the State of California—and herewith report the same back, and recommend its passage.

LAINÉ, Chairman.

Mr. Farley, by leave, offered the following resolution:

*Resolved*, That James Galloway, Clerk of the Committee on Corporations, be paid five dollars per diem, out of the appropriation for the contingent expenses of the Senate, from the fifth day of January, A. D. eighteen hundred and seventy-six.

Adopted.

#### RECESS.

At eleven o'clock and fifty minutes A. M., on motion of Mr. Edgerton, the Senate took a recess for thirty minutes.

#### RE-ASSEMBLED.

At twelve o'clock and twenty minutes P. M. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.



## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, January 15th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 166—Concerning the County Treasurer of Ventura County.

Also, passed under suspension of the rules, Senate Bill No. 207—An Act to amend sections three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, and three thousand seven hundred and ninety, of the Political Code.

Also, concurred in Senate Concurrent Resolution No. 18—In reference to the Centennial.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 166, above reported, read first and second times and referred to the delegation named in the bill.

The President appointed Messrs. Hendricks and Laine the committee, on the part of the Senate, authorized to be appointed under Senate Concurrent Resolution No. 18, above reported.

Mr. Graves, by leave, introduced a bill, as follows:

An Act amendatory of and supplementary to an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Agriculture, together with all the petitions upon the same subject now on the table, and ordered printed.

Mr. Edgerton moved that when the Senate adjourns to-day, it adjourn to meet again on Monday next at three o'clock p. m.

Agreed to.

## RECESS.

At twelve o'clock and thirty minutes p. m., on motion of Mr. Edgerton, the Senate took a temporary recess.

## RE-ASSEMBLED.

At twelve o'clock and forty minutes p. m. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

Messrs. Hendricks, Rogers, and Lewis were granted leave of absence for one day, each.

Mr. McCarthy submitted a report, as follows:

SENATE CHAMBER,  
SACRAMENTO, January 15th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 207—An Act to amend sections three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, and three thousand seven hundred and ninety of the Political Code—and have this day, at twelve o'clock and thirty minutes p. m., presented the same to his Excellency the Governor for his approval.

T. MCCARTHY, Chairman.

## GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 15th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 207—An Act to amend sections three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, and section three thousand seven hundred and ninety, of the Political Code.

And I hereby return Senate Bill No. 187 without my approval, as the legislation sought to be had thereby is more properly effected by Senate Bill No. 207.

WILLIAM IRWIN, Governor.

Senate Bill No. 187, returned by the Governor without his approval, was taken up.

On the question, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, and the Senate refused to pass the bill, by a vote as follows:

AYES—None.

NOES—Messrs. Angney, Bartlett, Bush, Craig, Edgerton, Evans, Farley, Flint, Fraser, Graves, Haymond, Hilborn, Howe, Laine, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, O'Connor, Pierson, Roach, Satterwhite, Shirley, Tinnin, and Tuttle—28.

## ADJOURNMENT.

At twelve o'clock and fifty minutes P. M., on motion of Mr. Hilborn, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER, }  
Monday, January 17th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of Saturday last read and approved.

Mr. Hilborn was granted indefinite leave of absence, and Mr. Laine for one day.

## PETITIONS.

Mr. Haymond presented a petition from merchants and business men of Sacramento, asking the repeal of the present license law.

Received and referred to the Committee on State and County Revenue.

By Mr. Beazell—A petition, numerously signed by citizens of Alameda County, in reference to public lands within the exterior limits of Spanish or Mexican grants.

Received and laid on the table temporarily, on motion of Mr. Beazell.

## REPORTS OF STANDING COMMITTEES.

Mr. Pierson, for the Judiciary Committee, in the absence of the Chairman, submitted a report, as follows:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 99—An Act granting relief to delinquent tax-payers whose lands have been sold to the State—have had the same under consideration, and report the bill back with the recommendation that it do not pass.

Also, Senate Bill No. 102—An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, in regard to the registration of voters—and recommend that the bill do not pass.

Also, Senate Bill No. 117—An Act to amend section seven hundred and thirty-six of the Political Code—and report the same back with the recommendation that it do not pass.

Also, Senate Bill No. 60—An Act to amend certain sections of the Political Code, regarding the collection of taxes—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 67—An Act to amend sections two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, and two thousand four hundred and sixty-nine of the Civil Code, in relation to partnerships—and herewith report the bill back, and recommend its passage.

Also, Senate Bill No. 68—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to the adoption of children—and herewith report the same back, and recommend its passage.

Also, Senate Bill No. 39—An Act to repeal an Act entitled an Act for the preservation of seals or sea lions, at and near the entrance to the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three, and an Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals and sea lions, at and near the entrance to the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six, and to repeal section five hundred and ninety-nine of the Penal Code—and herewith report the same back, and respectfully recommend that the bill be amended by striking out the clauses repealing the special Acts of eighteen hundred and sixty-three and eighteen hundred and sixty-six, inasmuch as those Acts are repealed by the Codes, and your committee further recommend that the bill be referred to the Committee on Fish and Fisheries.

Also, Senate Bill No. 191—An Act to empower the City Council of the City of Stockton to adopt measures to protect said city from inundations, and for the taking of private property for public use—and report the same back with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 190—An Act to further define the duties of the short-hand reporter of the County Court of the County of San Joaquin—and report the same back with an amendment, inserting an enacting clause in the bill, and recommend the passage of the bill.

Also, Senate Bill No. 124—An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal section four hundred and sixty-two of the Penal Code—and report the same back with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 147—An Act to amend section one hundred and forty-seven of the Penal Code—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 40—An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to this State, approved March twenty-eighth, eighteen hundred and seventy-four—and herewith report the same back with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

PIERSON, for the Committee.

Senate Bill No. 39, above reported, was referred to the Committee on Fish and Fisheries.

By Mr. Tinnin:

MR. PRESIDENT: The Committee on Contingent Expenses has had under consideration the resolution authorizing the Enrolling Clerk to appoint one assistant, respectfully report the resolution back, and recommend its passage.

TINNIN, for Committee.

The resolution, above reported, was taken up:

*Resolved*, That the Enrolling Clerk of the Senate be and he is hereby authorized to appoint one Assistant Clerk; said assistant to be paid out of the Contingent Fund of the Senate.

Adopted.

By Mr. McGarvey :

SENATE CHAMBER,  
SACRAMENTO, January 17th, 1876. }

Mr. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning the sale of public lands.

Also, Senate Bill No. 74—An Act regulating the salaries of certain officers of Tuolumne County.

Also, substitute for Senate Bill No. 84—An Act to add another section to the Civil Code, relating to corporations.

Also, Senate Bill No. 85—An Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishments.

Also, substitute for Senate Bill No. 97—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relating to the removal of county seats.

R. MCGARVEY, for Committee.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, January 17th, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 57—An Act to add two new sections to the Political Code, relating to the canvassing of election returns.

Also, Assembly Bill No. 175—An Act to authorize the corporation, the Mayor and Common Council of the City of Los Angeles, to issue bonds, and to provide means for the improvement of irrigation in said city.

Also, Assembly Bill No. 153—An Act granting power to the Judge of the Municipal Criminal Court of the City of San Francisco to call in a County Judge to preside, under certain circumstances.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bills Nos. 57 and 153, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 175, above reported, read first and second times and referred to the delegation named in the bill.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to amend sections five hundred and sixty-four, five hundred and sixty-six, and five hundred and sixty-seven of the Political Code, relating to the Sealers of Weights and Measures.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Howe—An Act to repeal an Act entitled an Act to regulate the distribution of the Police Fund of the City and County of San Francisco, approved April first, eighteen hundred and seventy.

Read first and second times and referred to the San Francisco delegation.

By Mr. Beazell—An Act to regulate fees in the County of Alameda.

Read first and second times and referred to the Alameda delegation.

Also, a joint resolution, concerning public lands.

Read first and second times and referred, with the petition heretofore presented on the same subject, to the Committee on Federal Relations.



By Mr. McCoppin—An Act supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Hendricks—An Act to add a new section to the Penal Code, to be numbered section two hundred and fourteen.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tuttle—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times and referred to the Committee on Finance.

By Mr. O'Connor—An Act to establish and define the powers and duties of the Board of Education of Grass Valley School District, in the County of Nevada, the said district including the Town of Grass Valley.

Read first and second times and referred to the Committee on Education.

By Mr. Turner—An Act to add a new section to the Civil Code, relating to corporations.

Read first and second times and referred to the Committee on Corporations.

By Mr. Haymond—An Act to pay the claim of D. H. Norris, for injuries sustained in the service of the State.

Read first and second times and referred to the Committee on Claims.

By Mr. Timmin—An Act for the relief of John Jackson, ex-Sheriff and ex officio Tax Collector of Trinity County.

Read first and second times and referred to the Committee on Claims.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Resolutions were offered as follows:

By Mr. Gibbons:

*Resolved*, That J. M. Owens, Porter of the committee rooms, he and he is hereby allowed a per diem of four dollars, to date from December seventeenth, eighteen hundred and seventy-five, less the amount already due and paid to him; said per diem payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. Haymond:

*Resolved*, That all bills before the Senate, amending sections of the Political Code which relate either to the number of officers or official salaries (so far as they so relate) be referred to the Committee on Retrenchment and Reform, with instructions to prepare and report in one bill a substitute for the same.

Rules suspended and the resolution adopted.

By Mr. Lewis:

*Resolved*, That the Copying Clerks of the Senate be instructed to return to this body Senate Bill No. 142, without being printed.

Adopted.

## GENERAL FILE.

Senate Bill No. 96—An Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges.

On motion of Mr. Edgerton, made a special order for Wednesday, the nineteenth instant, at one o'clock P. M.

Senate Bill No. 115—An Act to confer certain powers upon corporations organized for the purpose of preventing and discovering fires, and of saving property and human life from conflagration.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 25—An Act to define the rights of passengers on railroads.

On motion of Mr. Evans, ordered at the head of the general file for Wednesday next.

Assembly Bill No. 1 passed on file.

Senate Bill No. 155—An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure.

Indefinitely postponed.

Senate Bill No. 175—An Act to amend section three thousand seven hundred and ninety-nine of the Political Code, and to exempt the City and County of San Francisco from the provisions of sections three thousand eight hundred and two, three thousand eight hundred and three, and three thousand eight hundred and eighty-one of the Political Code.

Mr. Bartlett moved to refer the bill to the Committee on Finance, and that it be printed.

Carried.

Senate Bill No. 49—An Act to amend the Political Code of the State of California, and other Acts concerning military affairs.

Referred to Committee on Retrenchment and Reform.

Mr. Evans moved to reconsider the vote by which the Senate adopted the resolution offered by Mr. Haymond, in reference to referring bills amending sections of the Political Code to the Committee on Retrenchment and Reform.

Mr. McCarthy submitted a report, as follows:

SENATE CHAMBER, }  
SACRAMENTO, January 17th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 11—An Act to amend section three hundred and five of the Civil Code, relating to corporations.

Also, Senate Bill No. 32—An Act to amend section two thousand one hundred and seven, and to repeal section two thousand one hundred and two of the Political Code of the State of California.

Also, Senate Bill No. 42—An Act to amend section fifty-eight of the Code of Civil Procedure.

And have this day, at four o'clock P. M., presented the same to his Excellency the Governor for his approval.

T. MCCARTHY, Chairman.

## ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Mr. Farley, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 18th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Craig:

SENATE CHAMBER,  
January 18th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 157—An Act to amend section three thousand five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office.

Also, Senate Bill No. 140—An Act to separate the office of County Auditor from the office of County Recorder, and to regulate the official salaries, in the Counties of Fresno, Tulare, and Kern.

CRAIG, Chairman.

By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 189—An Act to amend section six hundred and twenty-seven of the Penal Code—have considered the same, and recommend its passage.

HILL, Chairman.

By Mr. Tinnin:

MR. PRESIDENT: In accordance with a resolution of the Senate, passed on yesterday, the Committee on Public Expenditures herewith return Senate Bill No. 205—An Act to amend section two hundred and sixty-eight of the Political Code—to be referred to the Committee on Retrenchment and Reform.

TINNIN, for Committee.

The bill was so referred.

Mr. Lewis, Chairman of the Judiciary Committee, verbally reported Senate Concurrent Resolution No. 10, without recommendation.

On motion of Mr. Lewis, the resolution above reported, together with Senate Concurrent Resolution No. 13, now on file, were made a special order for Tuesday, January twenty-fifth instant, at one o'clock P. M.

Mr. Lewis subsequently submitted a minority report from the Judiciary Committee, reporting Senate Bill No. 2—An Act to provide for calling a Convention to revise and change the Constitution of the State of California, recommending the passage of the bill, amended as proposed by the committee. Signed by Lewis (Chairman), Haymond, and Hopkins.

Mr. Edgerton, of the Judiciary Committee, submitted a majority report from said committee in reference to Senate Bill No. 2, recommending the indefinite postponement of the bill. Signed by Wm. M. Pierson, Henry Edgerton, S. G. Hilborn, R. McGarvey, J. T. Farley, M. P. O'Connor, Washington Bartlett, and John W. Satterwhite.

Mr. Edgerton moved a suspension of the rules, that four hundred

and eighty copies of the majority and minority reports be printed, accepting an amendment suggested by Mr. Lewis, that the printing be from the original reports.

So ordered.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Roach—An Act to add a new section to the Penal Code, in relation to false weights and measures.

Read first and second times and referred to the Judiciary Committee.

By Mr. Montgomery—An Act to revise the road laws of Merced County, and to create the office of Road Commissioner.

Read first and second times and referred to the Committee on Roads and Highways.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Howe moved that Senate Bill No. 15, at the head of the general file for to-day, be ordered at the head of the file for to-morrow.

So ordered.

#### GENERAL FILE.

Senate Bill No. 84—An Act to add another section to the Civil Code, relating to corporations.

Read third time and passed.

Senate Bill No. 85—An Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishments.

Read third time and passed.

Senate Bill No. 97—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relating to the removal of county seats.

Read third time and passed.

Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning the sale of public lands.

Read third time and passed.

Assembly Bill No. 1—An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes.

Amendment adopted.

Read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Tuttle, McCune, and O'Connor, and the Senate refused to pass the bill, by a vote as follows :

AYES—Messrs. Craig, Evans, Flint, Fraser, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Nunan, Rogers, Satterwhite, and Spencer—16.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Eakin, Edgerton, Farley, Gibbons, Hendricks, Hill, Lindsey, McCune, O'Connor, Shirley, Tinnin, Turner, and Tuttle—17.

Mr. Edgerton gave notice that on to-morrow he would move to reconsider the vote by which the Senate refused to pass the bill.

Senate Bill No. 98—An Act to amend section three thousand seven hundred and eighty-five of the Political Code of the State of California.

Recommitted to the Committee on Retrenchment and Reform.



Senate Bills Nos. 95, 90, and 93, passed on file.

Assembly Bill No. 46—An Act fixing the bonds of the County Treasurers of the Counties of Mariposa and Calaveras; and

Senate Bill No. 73—An Act to amend section four thousand one hundred and twenty-two of the Political Code, relating to official bonds.

On motion of Mr. Turner, the substitute for the above bills was ordered printed.

Mr. Hopkins moved to suspend the rules, and that the bill be printed out of its order, and without being copied.

So ordered.

Senate Bill No. 99 passed on file.

[Mr. Evans in the chair.]

Senate Bill No. 102—An Act to amend section one thousand and ninety-seven of the Political Code, in regard to the registration of voters.

The Senate refused to engross the bill.

Senate Bill No. 117—An Act to amend section seven hundred and thirty-six of the Political Code.

Referred to the Committee on Retrenchment and Reform.

Senate Bill No. 60—An Act to amend certain sections of the Political Code, regarding the collection of taxes.

The Senate refused to engross the bill.

Senate Bill No. 67—An Act to amend sections two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, two thousand four hundred and sixty-eight, and two thousand four hundred and sixty-nine of the Civil Code, in relation to partnerships.

Amended. Ordered engrossed.

Senate Bill No. 68 passed on file.

Senate Bill No. 191—An Act to empower the City Council of the City of Stockton to adopt measures to protect said city from inundation, and for the taking of private property for public use.

Amendments adopted in the Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 190—An Act to further define the duties of the short-hand reporter of the County Court of the County of San Joaquin.

Amendment adopted in the Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 124—An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal section four hundred and sixty-two, of the Penal Code.

Amendments adopted in the Committee of the Whole concurred in.

Ordered engrossed.

Senate Bill No. 147—An Act to amend section nine hundred and fifty-four of the Penal Code.

Indefinitely postponed.

[President in the chair.]

Senate Bill No. 40—An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to the State, approved March twenty-eighth, eighteen hundred and seventy-four.

Amendments adopted in the Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Evans moved to reconsider the vote by which the Senate, on yesterday, adopted a resolution by which all bills amending sections

of the Political Code relating to the number of officers or official salaries, be referred to the Committee on Retrenchment and Reform.

The vote was reconsidered, and, on further motion of Mr. Evans, the resolution was indefinitely postponed.

Messrs. Graves and Pierson were granted indefinite leave of absence; Mr. Donovan for two days, and Mr. Laine for one day.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, )  
SACRAMENTO, January 18th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the date set forth therein, passed Assembly Bill No. 129—An Act to provide for the transfer of certain road moneys in Placer County.

Also, Assembly Bill No. 159—An Act relative to the Treasurer's office of Sonoma County.

Also, Assembly Concurrent Resolution No. 14—Relating to tri-weekly mail service from Crescent City, California, to Jacksonville, Oregon.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bills Nos. 129 and 159, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Concurrent Resolution No. 14, above reported, read first and second times and referred to the Committee on Federal Relations.

Mr. Craig submitted the following report:

SENATE CHAMBER, )  
SACRAMENTO, January 18th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 183—An Act to amend an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.

CRAIG, Chairman.

Mr. Roach, by leave, introduced a bill, as follows: An Act to amend section seven hundred and two of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

#### ADJOURNMENT.

At twelve o'clock and thirty-two minutes P. M., on motion of Mr. Tuttle, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER, )  
Wednesday, January 19th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Lewis:

SENATE CHAMBER,  
JANUARY 19th, 1876.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento—have had the same under consideration, and a majority of the committee recommend the passage of the bill.

Also, Senate Bill No. 58—Proposed amendments to the Constitution of the State of California—and herewith report the same back with attachments, and respectfully recommend the adoption of the amendments, and a majority of the committee recommend the passage of the bill as amended.

Also, Senate Bill No. 108—An Act to establish and maintain a training-ship in the City and County of San Francisco—which was referred to the committee with a view of determining its constitutionality, herewith report the bill back with an amendment, and respectfully recommend the adoption of the amendment, and a majority of the committee are of the opinion that the Act would be constitutional if passed as amended.

Also, Senate Bill No. 136—An Act to fully carry out the provisions contained in section three thousand seven hundred and fifty-one of the Political Code—and report the same back, with the recommendation that it do not pass.

Also, Senate Bill No. 23—An Act to amend section two hundred and sixty-six of the Political Code of the State of California, concerning the compensation of members of the Legislature—and herewith report the bill back, with the recommendation that it be referred to the Committee on Retrenchment.

Also, Senate Bill No. 62—An Act to amend certain sections of the Political Code, to repeal certain sections of said Code, and add a new section thereto, all relating to salaries. The above bill proposes to take away the compensation of certain State officers, now fixed by law, in regard to such services as are required of them as members of certain Boards and Commissions, and the bill was referred to this committee to examine and report as to the constitutionality of such a measure, and a majority of the committee are of the opinion that the Legislature has the power to reduce the salaries of members of such Boards during the terms of the incumbents. The committee respectfully recommend that the bill be referred to the Committee on Retrenchment.

LEWIS, Chairman.

Senate Bills Nos. 23 and 62, above reported, were referred to the Committee on Retrenchment and Reform, in accordance with the request of the Judiciary Committee.

By Mr. Craig:

SENATE CHAMBER,  
SACRAMENTO, JANUARY 19th, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 115—An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires, and of saving property and human life from conflagration.

Also, Senate Bill No. 148—An Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two, and to repeal certain new sections added to said Act, approved March twenty-eighth, eighteen hundred and seventy-four.

CRAIG, Chairman.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lewis—An Act to provide for refunding the debt of the County of Tehama, funded under an Act approved March thirtieth, eighteen hundred and sixty-four.

By Mr. Evans—An Act to amend section four hundred and eight of the Code of Civil Procedure, relative to the issue of summons.

The above bills were each read first and second times and referred to the Judiciary Committee.

By Mr. McCarthy—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Read first and second times and referred to the San Francisco delegation.

By Mr. Lindsey—An Act to make applicable to the County of Tulare the Act entitled an Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, and Siskiyou Counties from the payment of poll tax, approved March twenty-seventh, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on State and County Revenue.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Edgerton moved to reconsider the vote by which the Senate, on yesterday, refused to pass Assembly Bill No. 1—An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes.

On the motion to reconsider the vote, the ayes and noes were demanded by Messrs. Tuttle, Turner, and Haymond, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Hilborn, Hill, Howe, Lewis, Lindsey, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, and Timin—30.

NOES—Messrs. Haymond, Laine, McTune, Turner, and Tuttle—5.

Mr. Edgerton moved to refer the bill to the Judiciary Committee, with instructions to report such action thereon as they may deem advisable.

So ordered.

Mr. Martin submitted a preamble and resolution, in reference to a personal assault made upon a newspaper reporter by a member of the Assembly, in the Senate Chamber, after the adjournment of the Senate on yesterday.

On motion of Mr. Edgerton, the resolution was temporarily laid on the table.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 19th, 1876. }

*To the Senate of the State of California:*

I have the honor to submit to your honorable body that I desire, with your permission, to recall the appointment, heretofore made by me, of Daniel McNeil to be one of the Pilot Commissioners of the Ports of San Francisco, Mare Island, and Benicia, and now pending before you for confirmation.

Respectfully yours,

WILLIAM IRWIN, Governor.

By general consent, the above appointment was withdrawn from the further consideration of the Senate.

#### SPECIAL ORDER.

Wednesday, January nineteenth, eighteen hundred and seventy-six,



at twelve o'clock M.—Action on appointment of Pilot Commissioners; also, certain official appointments made by the Governor since the adjournment of the last Legislature.

The Senate went into executive session.

The message of the Governor, making the following appointments, was taken up:

Upon the question, "Will the Senate advise and consent to the appointment of Thomas W. Badger, vice S. P. Wells, removed, as Pilot Commissioner of the Ports of San Francisco, Mare Island, and Benicia?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, and Tuttle—37.

NOES—None.

Whereupon the Chair announced the appointment of Thomas W. Badger, as Pilot Commissioner, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of William Galloway, vice A. Y. Trask, removed, as Pilot Commissioner for the Ports of San Francisco, Mare Island, and Benicia?" the roll was called, with the following result:

AYES—Messrs. Angney, Beazell, Bush, Craig, Eakin, Edgerton, Evans, Farley, Fraser, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, and Tuttle—32.

NOES—Messrs. Bartlett, Flint, Gibbons, Laine, Lindsey, and Turner—6.

Whereupon the Chair announced the appointment of William Galloway, as Pilot Commissioner, duly confirmed.

The messages containing the appointments made by ex-Governors Booth and Pacheco during their term of office were taken up.

Upon the question, "Will the Senate advise and consent to the appointment of L. Hamilton, vice Hayes, term expired, as Trustee for the Asylum of the Deaf, Dumb, and Blind?"

On motion of Mr. Lewis, the appointment was made a special order for Wednesday, the twenty-sixth instant, at one o'clock P. M.

Upon the question, "Will the Senate advise and consent to the appointment of J. Mora Moss, vice self, term expired, as Trustee for the Asylum of the Deaf, Dumb, and Blind?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, and Tinnin—36.

NOES—None.

Whereupon the Chair announced the appointment of J. Mora Moss, as said Trustee, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of James Murphy, vice Lane, removed from the State, as a member of the State Board of Health?" the roll was called, with the following result:

AYES—Messrs. Edgerton, Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, Lindsey, Martin, Spencer, and Turner—11.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Eakin, Farley, Gibbons, Hendricks, Hill, Howe, Laine, Lewis, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle—27.

Whereupon the Chair announced the appointment of James Murphy rejected by the Senate.

Upon the appointment of members of the State Board of Health, action was taken in the following order:

Upon the question, "Will the Senate advise and consent to the appointment of Henry Gibbons, M. D., vice self, term expired?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Eakin, Evans, Farley, Flint, Fraser, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—35.

NOES—None.

Whereupon the Chair announced the appointment of Henry Gibbons, M. D., as a member of said Board of Health, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of L. C. Lane, M. D., vice self, term expired?" the roll was called, with the following result:

AYES—Messrs. Bartlett, Evans, Flint, Fraser, Gibbons, Haymond, Hilborn, Hopkins, Laine, Lindsey, Martin, Spencer, and Turner—13.

NOES—Messrs. Angney, Beazell, Bush, Craig, Eakin, Farley, Hendricks, Hill, Howe, Lewis, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle—24.

Whereupon the Chair announced the appointment of L. C. Lane, M. D., as a member of said Board of Health, rejected by the Senate.

Upon the question, "Will the Senate advise and consent to the appointment of A. B. Stout, M. D., vice self, term expired?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—36.

NOES—None.

Whereupon the Chair announced the appointment of A. B. Stout, M. D., as a member of said Board of Health, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Joseph F. Montgomery, M. D., vice self, term expired?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—36.

NOES—None.

Whereupon the Chair announced the appointment of Joseph F. Montgomery, M. D., as a member of said Board of Health, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of F. Walton Todd, M. D., vice self, term expired?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Evans, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, Rogers, Satterwhite, Shirley, and Tinnin—31.

NOES—None.

Whereupon the Chair announced the appointment of F. Walton Todd, M. D., as a member of said Board of Health, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of L. Robinson, M. D., vice self, term expired?" the roll was called, with the following result:

AYES—Mosses, Angney, Bartlett, Bezzell, Bush, Craig, Evans, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Lane, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Reach, Rogers, Shirley, Spencer, and Tinnin—31.

NOES—None.

Whereupon the Chair announced the appointment of L. Robinson, M. D., as a member of said Board of Health, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of T. M. Logan, M. D., vice self, term expired?" the roll was called, with the following result:

AYES—Mosses, Angney, Bartlett, Bezzell, Bush, Craig, Evans, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Lane, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Reach, Rogers, Shirley, and Tinnin—30.

NOES—None.

Whereupon the Chair announced the appointment of T. M. Logan, M. D., as a member of said Board of Health, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of J. D. Farwell, vice himself, as a Fish Commissioner?" the roll was called, with the following result:

AYES—Mosses, Angney, Bartlett, Bezzell, Bush, Evans, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Lane, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Reach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, and Tuttle—32.

NOES—None.

Whereupon the Chair announced the appointment of J. D. Farwell, as a Fish Commissioner, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of S. R. Throckmorton, vice himself, as a Fish Commissioner?" the roll was called, with the following result:

AYES—Mosses, Angney, Bartlett, Bezzell, Bush, Evans, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Lane, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Reach, Rogers, Satterwhite, Shirley, Spencer, and Tinnin—28.

NOES—None.

Whereupon the Chair announced the appointment of S. R. Throckmorton, as a Fish Commissioner, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of L. M. Cutting, vice Moore, term expired, as a Director of the Insane Asylum?" the roll was called, with the following result.

AYES—Mosses, Bartlett, Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, Martin, and Tinnin—9.

NOES—Mosses, Angney, Bezzell, Bush, Craig, Hendricks, Hill, Howe, Lane, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Pearson, Reach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle—22.

Whereupon the Chair announced the appointment of L. M. Cutting, as a Director of the Insane Asylum, rejected by the Senate.

Upon the question, "Will the Senate advise and consent to the appointment of J. K. Doak, vice Austin, term expired, as a Director of the Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Bartlett, Evans, Flint, Haymond, Hilborn, Hopkins, Martin, and Turner—8.  
 NOES—Messrs. Angney, Benzell, Farley, Fraser, Hendricks, Hill, Howe, Laine, Lewis, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, and Timin—22.

Whereupon the Chair announced the appointment of J. K. Doak, as a Director of the Insane Asylum, rejected by the Senate.

Upon the question, "Will the Senate advise and consent to the appointment of W. R. Cluness, vice Thrift, term expired, as a Director of the Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Bartlett, Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, Martin, and Turner—9.

NOES—Messrs. Angney, Benzell, Bush, Farley, Hendricks, Hill, Howe, Laine, Lewis, McCarthy, McCoppin, McCune, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, and Timin—21.

Whereupon the Chair announced the appointment of W. R. Cluness, as a Director of the Insane Asylum, rejected by the Senate.

#### IN SENATE—SPECIAL ORDER.

Wednesday, January nineteenth, eighteen hundred and seventy-six, at one o'clock p. m. Senate Bill No. 96—An Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges.

The special order was postponed until to-morrow at the same hour.

#### GENERAL FILE.

Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add certain new sections thereto.

On motion of Mr. Howe, the Secretary was directed to read from the printed bill.

Amendments adopted in the Committee of the Whole concurred in.

On motion of Mr. Edgerton, the bill was referred to Mr. Howe, Chairman of the Committee on Commerce and Navigation, to superintend the renumbering of the sections.

#### INTRODUCTION OF BILLS.

Bills were introduced, by consent, as follows:

By Mr. Edgerton (by request)—An Act to amend section one thousand four hundred and one of the Civil Code, in relation to the rights of married women.

By Mr. Lewis—An Act to amend section two hundred and forty-nine of the Penal Code.

The above bills were each read first and second times and referred to the Judiciary Committee.



## ADJOURNMENT.

At three o'clock and sixteen minutes p. m., on motion of Mr. Satterwhite, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,

Thursday, January 20th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Tuttle presented a petition from citizens of San Joaquin County, asking the creation of a Commission to compile suitable text-books, or to purchase the copyright for the same, etc.

Also, a protest from citizens of Sonoma County, opposing any change of readers or text-books in the public schools, and protesting against legalizing any contracts made to that end.

Received and referred to the Committee on Education.

Also, remonstrances from residents of Inyo County, against the repeal of the present stock law for Inyo County.

Received and referred to the Committee on Agriculture.

By Mr. Lewis, from residents of Tehama County, asking the repeal of the "trespass, or no-fence law," now in operation in that county.

Received and referred to the delegation from Tehama County.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Education have had under consideration Senate Bill No. 139—An Act to amend section one thousand eight hundred and fifty-eight of the Political Code, relating to public schools—report the same back, and recommend its reference to the delegation from Tulare, Fresno, and Kern.

Also, Senate Bill No. 64—An Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 112—An Act to prescribe the manner of furnishing text-books for the public schools of this State—report the same back, with amendments, and recommend the adoption of the amendments, and that the bill be re-printed.

Also, Assembly Bill No. 165—An Act to annex Wood-Island and Bravman School District, Sacramento County, to Rio Vista District, in Solano County—report the same back, and recommend its passage.

Also, Senate Bill No. 173—An Act to amend certain sections of the Political Code, relating to the school law—report the bill back, with amendments, recommend the adoption of the amendments, and the passage of the bill as amended.

TUTTLE, Chairman.

On motion of Mr. Tuttle, the rules were suspended and Senate Bill No. 112, above reported, was ordered printed with the amendments proposed by the committee.

Senate Bill No. 139, above reported, referred to the delegation named in the report.

By Mr. Farley:

SACRAMENTO, January 20th, 1876.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 75—An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda, passed March thirtieth, eighteen hundred and seventy-four—have had the same under consideration, report the bill back, with a substitute, and respectfully recommend the adoption and passage of the substitute.

Also, Senate Bill No. 199—An Act to authorize the construction of a wagon road in San Bernardino County—report the same back, and recommend that the bill do not pass. The reasons that actuated your committee in making the above recommendations are constitutional objections, the committee believing the bill would confer a special franchise upon particular individuals, which is prohibited by Article IV., section thirty-one, of the Constitution of the State, which reads: "Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes." Further, that the powers invoked by this bill are invested in the Board of Supervisors of the county.

FARLEY, Chairman of Committee.

By Mr. Eakin:

MR. PRESIDENT: The Committee on Roads and Highways have had under consideration Senate Bill No. 221—An Act to revise the road laws of Merced County, and to create the office of Road Commissioner—and report the same back, and recommend its passage.

EAKIN, Chairman.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Haymond:

MR. PRESIDENT: The Sacramento delegation report Senate Bill No. 106, with amendments, and recommend its passage.

HAYMOND, for Delegation.

By Mr. Martin:

MR. PRESIDENT: The Placer County delegation, to whom was referred Assembly Bill No. 129—In relation to the transfer of certain road funds in Placer County—report the same back, and recommend its passage.

MARTIN, for Delegation.

Mr. Howe, Chairman of the Committee on Commerce and Navigation, verbally reported, properly sectionized, Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add certain sections thereto.

Mr. Tuttle moved to suspend the rules to take up the bill above reported for consideration.

So ordered.

The amendments adopted in the Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Craig submitted a report as follows:

SENATE CHAMBER, }  
SACRAMENTO, January 20th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 40—An Act to amend an Act entitled an Act regulating the sale of mining lands belonging to this State, approved March twenty-eighth, eighteen hundred and seventy-four.

Also, Senate Bill No. 67—An Act to amend sections two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, two thousand four hundred and sixty-eight, and two thousand four hundred and sixty-nine of the Civil Code, in relation to partnerships.

Also, Senate Bill No. 124—An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal sections four hundred and sixty-two of the Penal Code.

CRABO, for Committee.

### ASSEMBLY MESSAGES.

The following messages were received from the Assembly :

#### ASSEMBLY CHAMBER.

SACRAMENTO, January 19th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 76—An Act to amend sections of the Penal Code, relating to the punishment of persons who have been convicted of crimes.

Also, Assembly Bill No. 78—An Act to provide for the indebtedness registered against the General Road Fund of Sutter County.

Also, Assembly Bill No. 70—An Act entitled an Act making an appropriation for translating into the Spanish language the laws of the Assembly, passed by the Legislature of the State of California.

Also, Senate Bill No. 33—An Act to amend section six hundred and twenty-six of the Penal Code.

Also, Senate Bill No. 79—An Act to amend section seven hundred and eighty-three of the Penal Code.

O'NEIL, Assistant Clerk.

#### ASSEMBLY CHAMBER.

SACRAMENTO, January 19th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eighteenth instant, passed Senate Bill No. 53—An Act to provide for the redemption of certain bonds in the County of Solano.

Also, Senate Bill No. 126—An Act making the County Recorder of Solano County ex officio Attorney General, and giving him no other duties.

O'NEIL, Assistant Clerk.

#### ASSEMBLY CHAMBER.

SACRAMENTO, January 20th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, second time, a concurrent resolution of the Senate, Assembly Concurrent Resolution No. 24, relating to the transfer of Indian affairs to the War Department.

Also, the Senate, on January 18th, passed, second time, a concurrent resolution of the Assembly, under Senate Concurrent Resolution No. 18—in reference to the Centennial.

O'NEIL, Assistant Clerk.

### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Concurrent Resolution No. 24, above reported, read first and second times and referred to the Committee on Federal Relations.

Assembly Bill No. 79, above reported, read first and second times and referred to the Committee on Finance.

Assembly Bill No. 63, above reported, read first and second times and referred to the Committee on the Judiciary.

Assembly Bill No. 78, above reported, read first and second times and referred to the delegation named in the bill.

### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey (by request)—An Act to extend the time in which Swamp Land District No. 125 shall complete its work of reclamation.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Hilborn—An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Lewis—An Act to amend an Act entitled an Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Red Bluff, approved February twenty-first, eighteen hundred and sixty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Fraser—An Act for the relief of James W. Marshall.

Read first and second times and referred to the Committee on Claims.

By Mr. O'Connor—An Act entitled an Act to create a uniform system of irrigation for the State of California.

Read first and second times and referred to the Committee on Irrigation and Water Rights.

By Mr. Donovan—An Act to provide for the recovery of double taxation on the outside lands of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Hendricks—An Act to amend an Act entitled an Act to authorize Chico School District to issue bonds for building purposes, approved March twenty-seventh, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Bush—An Act to prevent the adulteration of food, drink, and drugs.

Read first and second times and referred to the Judiciary Committee.

By Mr. Evans—An Act to pay the claims of E. G. Jefferies and John Timmins.

Read first and second times and referred to the Committee on Claims.

By Mr. Laine—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

The preamble and resolution offered by Mr. Martin, on yesterday, in reference to an assault made upon a newspaper reporter by a member of the Assembly, in the Senate Chamber, after adjournment on the eighteenth instant, was taken up, on motion of its author.

Mr. Laine offered a substitute.

Mr. Tuttle moved to indefinitely postpone the whole matter.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—MESSRS. Bearzell, Craig, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hopkins, Lewis, McCune, Montgomery, Nunan, Pierson, Roach, Satterwhite, Shirley, Spencer, Timmin, and Tuttle—23.

NOES—MESSRS. Angney, Bartlett, Bush, Donovan, Edgerton, Hill, Howe, Laine, Lindsey, Martin, McOppin, McGarvey, O'Connor, Rogers, and Turner—15.



## GENERAL FILE.

Senate Bill No. 25—An Act to define the rights of passengers on railroads.

Referred to the San Francisco delegation.

Senate Bill No. 157—An Act to amend section three thousand five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office.

Read third time and passed.

## SPECIAL ORDER.

Thursday, January twentieth, eighteen hundred and seventy-six, at one o'clock p. m. Senate Bill No. 96—An Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges.

On motion of Mr. Edgerton, the special order was discharged, and the bill ordered at the head of the general file for to-morrow.

## GENERAL FILE RESUMED.

Senate Bill No. 142—An Act to provide for the construction and support of an academy in the County of Tehama.

Referred to the Tehama County delegation.

Senate Bill No. 189—An Act to amend section six hundred and twenty-seven of the Penal Code.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 2—An Act to provide for calling a convention to revise and change the Constitution of the State of California.

Mr. Satterwhite moved to make the bill a special order for Wednesday, the twenty-sixth instant, at one o'clock.

Lost.

The bill was made a special order for Tuesday, February first, at twelve o'clock m., on motion of Mr. Pierson.

Senate Bill No. 95—An Act to amend section seven hundred and ninety-eight of the Political Code, relating to notaries' fees.

Senate Bill No. 90—An Act to repeal certain sections of the Political Code, relating to public schools.

Senate Bill No. 93—An Act to amend certain sections of the Political Code, relating to public schools.

Rules suspended, the bills considered engrossed, and each read third time, and passed.

Assembly Bill No. 46 and Senate Bill No. 73, passed on file.

Senate Bill No. 99—An Act granting relief to delinquent tax-payers, whose lands have been sold for taxes.

Referred to the Butte County delegation.

Senate Bill No. 68—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to the adoption of children.

Amendments adopted in the Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento.

Considered in the Committee of the Whole.

Mr. Haymond offered an amendment, as follows:

"But nothing in this Act shall be construed to require the Court to decide that the injury or damage constitute a legal and valid claim against the city; but the question of the legal liability of the city shall be considered an open question, to be passed upon by the Court."

On adopting the amendment, the ayes and noes were demanded by Messrs. Haymond, Bartlett, and Hilborn, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Haymond, Hendricks, Hilborn, McCarthy, and Pierson—6.

NOES—Messrs. Angney, Beazell, Bush, Craig, Donovan, Eakin, Farley, Fraser, Hill, Howe, Laine, Lindsey, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, Spencer, Timmin, and Turner—22.

Mr. Laine moved to make the bill a special order for the twenty-seventh instant, at twelve o'clock M.

Lost.

The bill was ordered engrossed.

Senate Bill No. 58—Proposed amendment to the Constitution of the State of California.

The bill was made a special order for Tuesday, February first, at twelve o'clock M., on motion of Mr. Lewis.

Senate Bill No. 136—An Act to fully carry out the provisions contained in section three thousand seven hundred and fifty-one of the Political Code.

Indefinitely postponed.

Senate Bill No. 108—An Act to establish and maintain a training-ship in the City and County of San Francisco.

Amendments adopted in the Committee of the Whole concurred in.

Rules suspended, bill considered engrossed, read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. McCoppin, McCarthy, and Bartlett, and the bill passed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Donovan, Eakin, Edgerton, Flint, Fraser, Gibbons, Haymond, Hilborn, Hill, Hopkins, Howe, Lewis, Montgomery, Nunan, Pierson, Roach, Shirley, Spencer, Timmin, Turner, and Tuttle—25.

NOES—Messrs. Beazell, Laine, McCarthy, McCoppin, O'Connor, and Rogers—6.

At the request of Mr. Bush, the Committee on Hospitals was granted leave of absence for two days.

Mr. Hilborn, by leave, introduced a bill, as follows:

An Act to authorize the Board of Education of Vallejo Township, in the County of Solano, to borrow money for school purposes.

Read first and second times and referred to the Committee on State and County Revenue.

#### ADJOURNMENT.

At three o'clock and eighteen minutes P. M., on motion of Mr. Lewis, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Friday, January 21st, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Mr. McGarvey was granted leave of absence for two days.

## PETITIONS.

Mr. Howe presented a report of the San Francisco Lying-in Hospital and Foundling Asylum.

Received and referred to the Committee on Finance.

Mr. Tuttle presented two protests from citizens of Sonoma County, against a change of readers in the public schools.

Received and referred to the Committee on Education.

Mr. Howe presented a protest from owners of property on or near the proposed Western Avenue, in the Western Addition, San Francisco, protesting against the opening of the said avenue, or any legislation authorizing the same.

Received and referred to the San Francisco delegation.

Mr. Gibbons presented a petition from citizens of Alameda County, protesting against a change of readers or text-books in the public schools, or the legalizing of any contract to that end.

Received and referred to the Committee on Education.

Mr. Laine presented a protest from citizens of Santa Clara County, against any change of text-books in the public schools.

Received and referred to the Committee on Education.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Lewis:

SENATE CHAMBER,  
January 21st, 1876. }

MR. PRESIDENT: The Committee on the Judiciary, to whom was referred Senate Bill No. 154—An Act to establish a uniform policy of fire insurance in this State—herewith report the bill back, with the recommendation that the same be referred to the Committee on Corporations.

Also, Senate Bills Nos. 123, 129, and 132—each being an Act to amend section one thousand two hundred and forty-three of the Civil Code—and recommend that these bills be indefinitely postponed. The reasons for this recommendation are, that the subject matter of said bills is amply provided for by a special Act on the subject, entitled "An Act to enable certain persons therein named to alienate or incumber homesteads," approved March twenty-fifth, eighteen hundred and seventy-four. (Session Acts, page 582.)

Also, Assembly Bill No. 49—An Act to authorize the Board of Supervisors of Modoc County to erect a jail, and to issue bonds of the county therefor—and recommend the passage of the bill.

Also, Assembly Bill No. 6—An Act to repeal an Act entitled an Act to permit the voters of every township or incorporated city in this State, to vote on the question of granting license to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four—and herewith report the same back, and recommend its passage.

Also, Assembly Bill No. 55—An Act granting leave of absence to the County Recorder of the County of Yuba—and report the bill back, with the recommendation that it do not pass.

Also, Senate Bill No. 116—An Act to exempt active and exempt firemen from jury duty, military duty, and the payment of poll tax, in the County of San Joaquin—and herewith report the same back, with the recommendation that it be indefinitely postponed.

Also, Senate Bill No. 48—An Act to amend section one thousand one hundred and eleven of the Penal Code—and respectfully recommend that the bill be indefinitely postponed.

Also, Assembly Bill No. 116—An Act relative to highways in Los Angeles County—and herewith report the same back, and recommend that it be referred to the Los Angeles delegation.

LEWIS, Chairman.

Senate Bill No. 154, above reported, referred to the Committee on Corporations.

Assembly Bill No. 116, above reported, referred to the Los Angeles delegation.

By Mr. Craig :

SENATE CHAMBER,

SACRAMENTO, January 21st, 1876. )

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 190—An Act to further define the duties of the short-hand reporter of the County Court of the County of San Joaquin.

Also, Senate Bill No. 191—An Act to empower the City Council of the City of Stockton to adopt measures to protect said city from inundation, and for the taking of private property for public use.

CRAIG AND HOWE, for the Committee.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Tuttle :

MR. PRESIDENT: The delegation from Sonoma have had under consideration Assembly Bill No. 159—An Act relative to the Treasurer's office of Sonoma County—report the same back, with an amendment, recommend the adoption of the amendment, and the passage of the bill as amended.

TUTTLE AND HILL, Delegation.

On motion of Mr. Tuttle, the rules were suspended, and the bill above reported taken up.

Amendments adopted in the Committee of the Whole concurred in.

Read third time and passed.

By Mr. Tinnin :

MR. PRESIDENT: The Humboldt and Siskiyou delegation have had under consideration Assembly Bill No. 20—An Act to amend section one of an Act entitled an Act to provide for the relief and maintenance of the indigent sick of Klamath County—report it back, and recommend that it be returned to the Assembly to correct an error.

TINNIN, for Delegation.

The bill above reported was ordered returned to the Assembly, in accordance with the request of the delegation.

By Mr. Hill :

MR. PRESIDENT: The Napa delegation, to whom was referred Assembly Bill No. 44, respectfully report the same back, and ask the same be referred to the Standing Committee on Roads and Highways.

HILL, for Delegation.

The bill above reported was referred to the Committee on Roads and Highways, with a protest presented by Mr. Hill, from citizens of Napa County, against the passage of the bill.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,

SACRAMENTO, January 20th, 1876. )

*To the Senate of the State of California :*

I have the honor to inform your honorable body that I have this day appointed George R. Vernon, as Major-General of the National Guard, vice James Coey, removed, and respectfully ask the advice and consent of the Senate to the same.

WILLIAM IRWIN, Governor



The Senate went into executive session to consider the appointment.

Upon the question, "Will the Senate advise and consent to the appointment of George R. Vernon, as Major-General of the National Guard, vice James Coey, removed?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Latta, Lewis, Landisey, Martin, McCarthy, McOppan, McTigue, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—36.

NOES—None.

Whereupon the Chair announced the appointment of George R. Vernon, as Major-General of the National Guard, duly confirmed.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, January 20th, 1876. )

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 11—An Act to protect lumber manufacturers.

Also, Assembly Bill No. 53—An Act regulating certain township offices in the County of Calaveras.

Also, Assembly Bill No. 60—An Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties.

Also, Assembly Bill No. 64—An Act to amend section three hundred and ninety-two of the Code of Civil Procedure.

Also, Assembly Bill No. 136—An Act giving the consent of the Legislature to John Markey, County Clerk of Monterey County, State of California, to absent himself from said State for a period not to exceed sixty days.

Also, on same date, passed Senate Bill No. 29—An Act to add an additional section to the Code of Civil Procedure.

Also, same day, amended and passed Senate Bill No. 65—An Act to amend section three hundred and forty of the Code of Civil Procedure.

Also, Senate Bill No. 89—An Act to abolish the State Board of Tide Land Commissioners, and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code.

Also, Senate Concurrent Resolution No. 7—Asking a modification of our treaty with China.

Also, amended and passed Senate Joint Resolution No. 14—In regard to granting pensions to soldiers of the Mexican War.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 11, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bills Nos. 53 and 64, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 60, above reported, read first and second times and referred to the Committee on Education.

Assembly Bill No. 136, above reported, read first and second times, rules suspended, and, by general consent, read third time.

On motion of Mr. Edgerton, the bill was indefinitely postponed.

Senate Bill No. 65, above reported. Assembly amendments to the bill concurred in.

Senate Concurrent Resolution No. 14, above reported. Assembly amendments to the resolution concurred in.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lewis—An Act to amend an Act entitled an Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office, approved March thirtieth, eighteen hundred and seventy-four.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Beazell—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society, in the Township of Oakland, County of Alameda.

Read first and second times and referred to the Alameda delegation.

By Mr. Tinnin—An Act to amend section one hundred and seventeen of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

By the Special Committee on Retrenchment and Reform—An Act to provide for a Keeper of the Capitol and Capitol grounds.

Also, an Act to add additional sections to the Political Code, approved March twelfth, eighteen hundred and seventy-two.

Each of the above bills read first and second times, ordered on the general file, and to be printed.

By Mr. Evans (by request)—An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, additional powers.

Read first and second times and, with a petition accompanying the bill, referred to the Committee on Swamp and Overflowed Lands.

Also, an Act to repeal an Act to exempt firemen in Nevada, Placer, El Dorado, Santa Clara, Solano, Sonoma, and Siskiyou Counties from the payment of poll tax, approved March twenty-seventh, eighteen hundred and seventy-four.

Read first and second times and referred to the Judiciary Committee.

By Mr. Haymond—An Act to amend certain sections of the Political Code, relating to swamp and overflowed lands.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Fraser—An Act to legalize the acts of the Board of Education of Placerville School District, and to provide for maintaining schools therein.

Read first and second times and referred to the Committee on Education.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Craig offered a resolution as follows:

*Resolved*, That the Engrossing Clerk of the Senate be and he is hereby authorized to appoint three Assistant Engrossing Clerks; said assistants to be paid out of the appropriation for the contingent expenses of the Senate.

The members of the Engrossing Committee recommend the adoption of the above resolution.

CRAIG, Chairman.

Rules suspended and the resolution adopted.

By Mr. Tuttle:

*Resolved*, That when the Senate adjourns this day, it adjourns to meet on Monday, January twenty-fourth, at three o'clock P. M.

Agreed to.

[Mr. Evans in the chair.]

By Mr. Lindsey:

WHEREAS, The biennial report of the State Controller shows that several swamp land districts of the State have outstanding Controller's warrants; therefore, be it

*Resolved*, That the Committee on Swamp and Overflowed Lands be and they are hereby instructed to ascertain from the proper State officers the amount of warrants now outstanding and unpaid upon the several swamp land districts of the State, the amount of assets to the credit of each district, the amount of deficiencies in each district, and the cause of such deficiencies. Also, if any money received from the sale of swamp and overflowed lands anterior to the first day of July, eighteen hundred and fifty-eight, has been paid into the General Fund of the State and never transferred to the credit of the Swamp Land Fund, where it justly belongs, and report the facts to the Senate at an early date.

Adopted.

The Committee on State Prison and Prison Buildings was granted indefinite leave of absence, to date from to-morrow.

#### GENERAL FILE.

Senate Bill No. 96—An Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges.

On motion of Mr. Edgerton, ordered to the head of the general file for Tuesday next.

Senate Bill No. 67—An Act to amend sections two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, two thousand four hundred and sixty-eight, and two thousand four hundred and sixty-nine of the Civil Code, in relation to partnerships.

Senate Bill No. 124—An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal section four hundred and sixty-two of the Penal Code.

Each read third time and passed.

Senate Bill No. 64 passed on file.

Assembly Bill No. 163—referred to the Sacramento delegation.

Senate Bill No. 173—An Act to amend certain sections of the Political Code, relating to the school law.

Amendments adopted in the Committee of the Whole concurred in.

Mr. Edgerton moved to amend section two, by striking out the words "County Judge" where they occur, and insert in lieu thereof the words "Board of Supervisors."

Lost.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 75 passed on file.

Senate Bill No. 190—An Act to authorize the construction of a wagon road in San Bernardino County.

Indefinitely postponed.

Senate Bill No. 221—An Act to revise the road laws of Merced County, and to create the office of Road Commissioners.

Ordered printed, and referred to the Judiciary Committee.

Mr. McCarthy submitted a report, as follows:

SENATE CHAMBER,  
SACRAMENTO, January 21st, 1876 }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 53—An Act to provide for the redemption of certain bonds of the County of Solano.

Also, Senate Bill No. 126—An Act making the County Recorder of Solano County ex officio Auditor of said county, and fixing his compensation.

Also, Senate Bill No. 79—An Act to amend section seven hundred and eighty-three of the Penal Code.

Also, Senate Bill No. 33—An Act to amend section six hundred and twenty-six of the Penal Code.

And on this twenty-first day of January, eighteen hundred and seventy-six, at twelve o'clock M., presented the same to his Excellency the Governor for his approval.

McCARTHY, for the Committee.

#### GENERAL FILE RESUMED.

Senate Bill No. 106 referred to the Judiciary Committee.

Assembly Bill No. 129—An Act to provide for the transfer of certain road moneys in Placer County.

Read third time and passed.

Assembly Bill No. 46—An Act fixing the bonds of the County Treasurers of the Counties of Mariposa and Calaveras.

Amendment adopted in the Committee of the Whole concurred in.

Read third time and passed. Title amended.

Senate Bill No. 73—An Act to amend section four thousand one hundred and twenty-two of the Political Code, relating to official bonds.

Passed on file.

Substitute for Assembly Bill No. 46 and substitute for Senate Bill No. 73, withdrawn from the general file, and referred to the Committee on State and County Revenue.

Mr. Edgerton, for the Sacramento delegation, by leave, verbally reported Senate Bill No. 24—An Act in relation to public roads in the County of Sacramento—recommending its reference to the Committee on Roads and Highways.

So referred.

Mr. Nunan, Chairman of the Committee on State and County Revenue, verbally reported Assembly Bill No. 69—An Act to fix the bonds of the Tax Collector of Fresno, Tulare, and Kern Counties—recommending its passage.

Rules suspended, read third time, and passed.

Mr. Tuttle offered the following:

I move that Senator Turner be authorized to visit, in company with the Prison Committee, the State Prisons, and have leave of absence for that purpose.

Agreed to.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 21st, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bills as follows:

No. 11—An Act to amend section three hundred and five of the Civil Code, relating to corporations.

No. 32—An Act to amend section two thousand one hundred and seven, and to repeal section two thousand one hundred and twelve of the Political Code.



No. 42—An Act to amend section fifty-eight of the Code of Civil Procedure.

No. 55—An Act to amend sections seven hundred and fifty-one and seven hundred and fifty-six of the Political Code, in regard to deputies for the Clerk of the Supreme Court.

WILLIAM IRWIN, Governor.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

SACRAMENTO, January 21st, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the dates set forth therein, passed Assembly Bill No. 154—An Act to provide for the construction of division fences.

Also, Assembly Bill No. 199—An Act to amend section one hundred and seventy-two of the Code of Civil Procedure.

Also, on this date, January twenty-first, passed, under suspension of the rules, Assembly Bill No. 144—An Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 154, above reported, read first and second times and referred to the delegation named in the bill.

Assembly Bill No. 199, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 144, above reported, read first and second times and referred to the Committee on State and County Revenue.

#### ADJOURNMENT.

At one o'clock and fifty-six minutes p. m., on motion of Mr. Tuttle, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,

Monday, January 24th, 1876.

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of Friday last read and approved.

#### PETITIONS.

Petitions were presented as follows:

By Mr. Haymond—A petition from citizens and tax-payers in Point Pleasant School District, in Sacramento County, praying the passage of an Act to enable the School Trustees of said district to pay its school teacher.

Received and referred to the Committee on Education.

By Mr. Lindsey—A petition from citizens of Tulare County, in reference to the license for keeping stallions.

Received and referred to the Committee on Agriculture.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows :

By Mr. Lewis :

MR. PRESIDENT : The Committee on Judiciary, to whom was referred Senate Bill No. 128—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure, in relation to appeals—herewith report the same back, with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 150—An Act supplementary to Article II., Chapter X., Title XI., Part III., of the Code of Civil Procedure—and herewith report the same back, and recommend that it do not pass.

Also, Senate Bill No. 152—An Act to amend the Penal Code—and report the same back, with the recommendation that it do not pass.

Also, Assembly Bill No. 35—An Act to amend sections nine hundred and fifty-six, one thousand and thirty-three, and one thousand and thirty-four of the Penal Code—and herewith report the same back, and recommend that it do not pass.

Also, Senate Bill No. 159—An Act to amend section one thousand two hundred and seventy-three of the Penal Code—and herewith report the same back, and recommend its passage.

Also, Senate Bill No. 163—An Act to amend section four thousand three hundred and thirty-two of the Political Code, in relation to Sheriffs' fees—and herewith report the same back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 164—An Act to add a new section to the Code of Civil Procedure, and repeal certain sections of the Civil Code—and report the same back, and recommend its passage.

Also, Senate Bill No. 165—An Act to amend section five hundred and forty-two of the Code of Civil Procedure, relating to the manner of attaching real property—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 166—An Act to amend section five hundred and fifty-nine of the Code of Civil Procedure, relating to the release of attachments on real property—and herewith report the same back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 167—An Act to amend section seven hundred and thirty-eight of the Code of Civil Procedure—and herewith report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 171—An Act to amend sections two hundred and eleven and two hundred and thirteen of the Penal Code—and herewith report the same back, with the recommendation that it be indefinitely postponed.

Also, Senate Bill No. 172—An Act to amend section four hundred and ninety-one of the Penal Code—and report the same back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 177—An Act to regulate Sheriffs' fees in certain counties in this State—and herewith report the bill back, a majority recommending that the bill do not pass.

Also, Senate Bill No. 181—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over—and herewith report the same back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 195—An Act to amend section eighty-eight of the Code of Civil Procedure, relating to the terms of the County Court in the County of Merced—and herewith report the bill back, and recommend that it be referred to the Merced delegation,

Also, Senate Bill No. 198—An Act entitled an Act to amend section one thousand seven hundred and thirty-seven of the Code of Civil Procedure of California—and herewith report the same back, and recommend its passage.

Also, Senate Bill No. 198—An Act entitled an Act to add a new section to Chapter XIII. of Title II. of the Code of Civil Procedure of California, in regard to Public Administrators—and herewith report the bill back, and recommend its passage.

Also, Assembly Bill No. 30—An Act to amend section two hundred and forty-five of the Penal Code—and herewith report the same back, with the recommendation that it do not pass.

Also, Assembly Bill No. 160—An Act to grant leave of absence from the State to George W. Welch, Superintendent of Public Schools of Shasta County—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 99—An Act to authorize the Secretary of State to furnish the County Judge, County Clerk, and District Attorney of Modoc County with certain laws of the State of California—and herewith report the same back, and recommend its passage.

Also, Senate Bill No. 204—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure—and herewith report the bill back, and recommend its passage.

Also, Senate Bill No. 220—An Act to add a new section to the Penal Code, in relation to false weights and measures—and herewith report the same back, and recommend its passage.

Also, Assembly Bill No. 63—An Act to add another section to the Political Code, relating to the powers and restrictions of Boards of Supervisors—and herewith report the same back, with the recommendation that it do not pass.

Also, Senate Bill No. 227—An Act to amend section one thousand four hundred and one of the Civil Code—and herewith report the same back, and recommend that it do not pass.

Also, Senate Bill No. 238—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two—and herewith report the same back, and recommend its passage.

Also, Assembly Bill No. 199—An Act to amend section one hundred and seventy-two of the Code of Civil Procedure—and herewith report the same back, with the recommendation that it do not pass.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Red Bluff, approved February twenty-first, eighteen hundred and sixty—and herewith report the same back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 202—An Act to amend section four thousand one hundred and twenty of the Political Code—and herewith report the same back, and recommend the adoption of the amendments, and the passage of the bill as amended.

LEWIS, Chairman.

By Mr. Howe :

SENATE CHAMBER,  
SACRAMENTO, January 24th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a new section thereto.

Also, Senate Bill No. 189—An Act to amend section six hundred and twenty-seven of the Penal Code.

Also, Senate Bill No. 95—An Act to amend section seven hundred and ninety-eight of the Political Code, relating to notaries' fees.

Also, Senate Bill No. 90—An Act to repeal certain sections of the Political Code, relating to public schools.

Also, Senate Bill No. 93—An Act to repeal certain sections of the Political Code, relating to public schools.

Also, Senate Bill No. 68—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to the adoption of children.

Also, Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento.

Also, Senate Bill No. 108—An Act to establish and maintain a training-ship in the City and County of San Francisco.

HOWE, for Committee.

By Mr. Farley :

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 74—An Act to amend an Act entitled an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four—have had the same under consideration, and herewith report the bill back, and recommend its passage.

Also, Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations—report the same back, and recommend that it do not pass.

FARLEY, Chairman.

#### REPORTS OF SELECT COMMITTEES.

Reports were submitted as follows:

By Mr. Haymond :

MR. PRESIDENT: The Sacramento delegation report Senate Bill No. 178, with amendments, and recommend its passage as amended.

EDGERTON,  
HAYMOND.

By Mr. Rogers :

MR. PRESIDENT: The delegations from the Counties of San Francisco, San Mateo, Contra Costa, Alameda, and Marin, to whom was referred Senate Bill No. 107, have considered the same, and recommend the passage of the bill as amended.

GEO. H. ROGERS, for the several Delegations.

On motion of Mr. Rogers, the bill above reported was referred to the Committee on Agriculture.

By Mr. Spencer:

MR. PRESIDENT: The Sutter County delegation have had under consideration Assembly Bill No. 78—An Act to provide for the indebtedness registered against the General Road Fund of Sutter County—report the same back, and recommend its passage.

By Mr. Bush:

SPENCER, for Delegation.

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 116—An Act relative to highways in Los Angeles County—beg leave to report the same back, and recommend its passage.

BUSH, for Delegation.

On motion of Mr. Bush, the rules were suspended, and the bill above reported taken up.

Read third time and passed.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, January 24th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-first, passed Assembly Bill No. 119—An Act to amend section four thousand and twenty-four of the Political Code of the State of California.

Also, Assembly Bill No. 120—An Act to amend section three hundred and ninety-seven of the Penal Code.

Also, Assembly Bill No. 159—An Act relative to the Treasurer's office of Sonoma County—ordered returned to the Senate for corrections.

Also, Assembly Bill No. 190—An Act to grant leave of absence to A. L. Knowlton, County Surveyor of Butte County.

Also, Assembly Bill No. 162—An Act to add another section to the Penal Code, Chapter II., Title IX., Part I.

Also, on January twenty-second, passed Assembly Bill No. 22—An Act to repeal section one thousand eight hundred and eighty-two of the Code of Civil Procedure.

Also, Assembly Bill No. 186—An Act to amend section three hundred and ninety-eight of the Penal Code, relative to selling fire-arms to Indians.

Also, Assembly Bill No. 189—An Act to empower the Board of Supervisors of Los Angeles County to authorize the appointment of a Deputy District Attorney for said county, and to provide for his payment.

Also, Assembly Bill No. 200—An Act to fix the compensation of Road Overseers of San Mateo County, and in relation to road poll tax thereof.

Also, Senate Bill No. 120—An Act to amend an Act entitled an Act to provide for the location and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four.

Also, January twenty-fourth, passed Assembly Bill No. 227—An Act to amend an Act entitled an Act supplementary to an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February twelfth, eighteen hundred and seventy-four, approved March eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 84—An Act to add another section to the Civil Code, relating to corporations.

Also, Senate Bill No. 85—An Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishments.

Also, passed, under suspension of the rules, Senate Bill No. 190—An Act to further define the duties of the short-hand reporter of the County Court of the County of San Joaquin.

Also, under suspension of the rules, passed Senate Bill No. 191—An Act to empower the City Council of the City of Stockton to adopt measures to protect said city from inundation, and for the taking of private property for public use.

Also, on this date, passed, under suspension of the rules, Assembly Bill No. 274—An Act to repeal an Act to incorporate the Town of Sutter Creek, Amador County, approved March thirtieth, eighteen hundred and seventy-four.

Also, passed, under suspension of the rules, Assembly Bill No. 203—An Act to district the City of Oakland into wards.

Also, on January twenty-first, concurred in Senate amendments to Assembly Bill No. 46—An Act fixing the bonds of the County Treasurers of the Counties of Mariposa and Calaveras.

O'NEIL, Assistant Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bills Nos. 119, 120, 162, 22, and 186, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 227, 189, 200, 203, and 274, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 190, above reported, read first and second times and indefinitely postponed.

Mr. McCarthy submitted the following report:

SENATE CHAMBER,  
SACRAMENTO January 24th, 1876.

Mr. President: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 89—An Act to abolish the State Board of Tide Land Commissioners, and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code.

Also, Senate Bill No. 29—An Act to add an additional section to the Code of Civil Procedure.

Also, Senate Concurrent Resolution No. 7—Asking a modification of our treaty with China.

Also, Senate Bill No. 65—An Act to amend section three hundred and forty of the Code of Civil Procedure.

Also, Senate Concurrent Resolution No. 14—In regard to granting pensions to soldiers, sailors, and marines of the Mexican War.

And on January twenty-fourth, eighteen hundred and seventy-six, at three o'clock and thirty minutes p. m., presented the same to his Excellency the Governor for his approval.

T. McCARTHY, Chairman of Committee on Enrollment.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bartlett—An Act concerning St. Luke's Hospital Association.

By Mr. Lewis—An Act to amend section six hundred and sixty-five of the Code of Civil Procedure.

Also, an Act to amend sections one thousand and sixty-eight, one thousand and seventy-one, one thousand and seventy-two, and one thousand and seventy-four of the Code of Civil Procedure.

The above bills were each read first and second times and referred to the Judiciary Committee.

Mr. Lewis, by general consent, withdrew Senate Bill No. 142, heretofore referred to the Tehama County delegation.

By Mr. Lewis—An Act to provide for the construction and support of an academy in Tehama County.

Read first and second times, ordered on the general file, and to be printed.

By Mr. Pierson—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure.

By Mr. Laine—An Act to amend the Political Code of the State of California, and to add a new section thereto concerning a State Board of Equalization.

By Mr. Tinnin—An Act to amend section one thousand and fifty-five of the Political Code.

By Mr. Haymond—An Act to enable S. D. Smith to bring suit against the State of California.

The above bills were each read first and second times and referred to the Judiciary Committee.

By Mr. Haymond—An Act to enable Point Pleasant School District, of Sacramento County, to pay its school teacher.

Read first and second times and referred to the Committee on Education.

By Mr. Bush—An Act to protect sea gulls in the neighborhood of Santa Monica.

Read first and second times and referred to the Committee on Agriculture.

Mr. McGarvey was granted leave of absence for one day.

At three o'clock and forty-five minutes p. m., Mr. Lewis moved to adjourn.

Lost.

#### GENERAL FILE.

Senate Bill No. 112 passed on file.

Senate Bill No. 123—An Act to amend section one thousand two hundred and forty-three of the Civil Code.

Senate Bill No. 129—An Act to amend section one thousand two hundred and forty-three of the Civil Code, in relation to homesteads.

Senate Bill No. 132—An Act to amend section one hundred and thirty-two of the Civil Code.

Assembly Bill No. 55—An Act granting leave of absence to the County Recorder of the County of Yuba.

The above bills were indefinitely postponed.

Assembly Bill No. 49—An Act to authorize the Board of Supervisors of Modoc County to erect a jail, and to issue bonds of the county therefor.

Assembly Bill No. 6—An Act to repeal an Act entitled an Act to permit voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four.

Each read third time and passed.

Senate Bill No. 116—An Act to exempt active and exempt firemen from jury duty, military duty, and the payment of poll taxes, in the County of San Joaquin.

Indefinitely postponed.

Senate Bills Nos. 64 and 75 passed on file.

#### ADJOURNMENT.

At three o'clock and fifty minutes p. m., on motion of Mr. Edgerton, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, January 25th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Evans presented a petition from citizens of San Joaquin County, asking the passage of Assembly Bill No. 24—Relative to the squirrel nuisance.

Received and referred to the Committee on Agriculture.

Mr. Hill presented a protest from citizens of Sonoma County, against any change of readers in the public schools.

Received and referred to the Committee on Education.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 11—An Act to protect lumber manufacturers—have had the same under consideration, and herewith report the same back, and recommend its passage.

HILL, Chairman.

By Mr. Lewis:

MR. PRESIDENT: The Committee on the Judiciary, to whom was referred Senate Bill No. 222—An Act to amend section seven hundred and two of the Code of Civil Procedure—herewith report the same back, with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Assembly Bill No. 57—An Act to add two sections to the Political Code, relative to the canvassing of election returns—herewith report the same back, with amendments, respectfully recommend the adoption of the amendments, and further recommend that the bill do not pass.

Also, Senate Bill No. 228—An Act to amend section two hundred and forty-nine of the Penal Code—herewith report the same back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

LEWIS, Chairman.

## REPORTS OF SELECT COMMITTEES.

By Mr. Laine:

MR. PRESIDENT: The Special Committee on Retrenchment have had under consideration Senate Bill No. 117—An Act to amend section seven hundred and thirty-six of the Political Code—report the same back, and recommend that it do not pass.

Also, Senate Bills Nos. 23 and 205, report the same back, with a substitute therefor, and recommend the adoption and passage of the substitute.

Also, Senate Bill No. 98, report the same back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 49—An Act to amend the Political Code of the State of California, and other Acts concerning military affairs—report the same back, with certain amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

Said last-named bill has been before referred to the Committee on Military Affairs. The Retrenchment Committee have concurred in all the amendments made by said Committee on Military Affairs, except their amendment to sections two, eight, and eleven, and as to these, they do not concur, but recommend that said last-named amendments be not concurred in.

LAINE, Chairman.

By Mr. Rogers:

MR. PRESIDENT: The San Mateo delegation, to whom was referred Assembly Bill No. 200—An Act to fix the compensation of Road Overseers in San Mateo County, and in relation to the road poll tax thereof—have had the same under consideration, report the same back, and recommend its passage.

GEO. H. ROGERS.

On motion of Mr. Rogers, the rules were suspended, and the bill above reported taken up and placed on its passage.

Read third time and passed.

By Mr. Bush :

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 189—An Act to empower the Board of Supervisors of Los Angeles County to authorize the appointment of a Deputy District Attorney—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

BUSH, for Delegation.

On motion of Mr. Bush, the rules were suspended, and the bill above reported taken up and placed on its passage.

Read third time and passed.

Mr. Laine, for the Santa Clara delegation, verbally reported Assembly Bill No. 154—An Act for the construction of division fences—with an amendment striking out "Santa Clara," in section one of the bill.

Rules suspended and the amendment adopted.

The bill was then referred to the delegations named in the bill.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Beazell—An Act for the relief of Ira McMinds.

Read first and second times and referred to the Alameda delegation.

Also, an Act to amend an Act entitled an Act to revise an Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two, approved February fifth, A. D. eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hendricks—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, approved January eighth, eighteen hundred and seventy-two.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Lewis—An Act to provide accommodation for the insane of the State of California who may be able to pay therefor, and to provide a special fund for that purpose.

Read first and second times, referred to the Committee on Hospitals, and ordered printed.

By Mr. Satterwhite—An Act to aid the establishment of a law library in the Town of San Bernardino.

Read first and second times and referred to the Judiciary Committee.

By Mr. Haymond—An Act to amend section four thousand one hundred and nine of the Political Code, and to reduce salaries and fees in office.

Read first and second times and referred to the Committee on Retrenchment and Reform.

Also, an Act to provide for the improvement of the streets of the City of Sacramento.

Read first and second times, referred to the Sacramento delegation, and ordered printed.

Also, an Act to enable the Board of Trustees of the City of Sacramento to pay certain indebtedness contracted for street repairs in said city.



Read first and second times and referred to the Sacramento delegation.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Edgerton moved a suspension of the rules, and that two thousand extra copies of the majority and minority reports of the Judiciary Committee on the question of calling a convention to revise and change the Constitution of the State be ordered printed.

Rules suspended and it was so ordered.

Mr. Laine offered the following Senate joint resolution, relative to obtaining cheaper telegraphic facilities for the State of California:

WHEREAS, Telegraphic communication between the State of California and the important cities and towns of the Eastern States is now substantially under the control of one company, and the rates charged for the transmission of messages are oppressive to the people of this State: therefore, be it

*Resolved by the Senate, the Assembly concurring.* That our Senators in Congress be instructed, and our Representatives requested, to aid, by procuring appropriate legislation, in giving to the people of this State lower rates for the transmission of telegraphic messages.

Read first and second times, rules suspended, considered engrossed, read third time, and passed. Rules further suspended, and ordered transmitted to the Assembly without engrossment.

#### GENERAL FILE.

Senate Bill No. 96—An Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges.

Pending discussion, on motion of Mr. Donovan, the special order set for to-day, at one o'clock p. m., being Senate Joint Resolution No. 10 and Senate Joint Resolution No. 13, was postponed until to-morrow, at the same hour.

Senate Bill No. 96 read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Laine, Bush, and Haymond, and the Senate refused to pass the bill, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Bush, Donovan, Eakin, Fraser, Hilborn, Howe, Laine, Lindsey, McCune, O'Connor, Roach, Rogers, Spencer, and Tinnin—16.

NOES—Messrs. Beazell, Edgerton, Evans, Farley, Flint, Haymond, Hendricks, Hill, Hopkins, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Pierson, Satterwhite, and Tuttle—17.

Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento.

Mr. Haymond moved to refer the bill to the Yolo and Solano delegations, with special instructions.

So ordered.

Mr. O'Connor moved that the bill take its place at the head of the general file for to-morrow.

Agreed to.

Senate Bill No. 112 recommitted to the Committee on Education.

Senate Bills Nos. 64 and 75 passed on file.

[Mr. Farley in the chair.]

Senate Bill No. 73—An Act to amend section four thousand one hundred and twenty-two of the Political Code, relating to official bonds.

By general consent, the bill was withdrawn by Mr. Lindsey, its author.

Senate Bill No. 48—An Act to amend section one thousand one hundred and eleven of the Penal Code.

Indefinitely postponed.

Senate Bill No. 243—An Act to add additional sections to the Political Code, approved March twelfth, eighteen hundred and seventy-two; and

Senate Bill No. 248—An Act to provide for a Keeper of the State Capitol and Capitol grounds.

Each bill ordered at the head of the general file for Thursday next.

Senate Bill No. 128—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure, in relation to appeals.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 150—An Act supplementary to Article II., Chapter X., Title II., Part III., of the Code of Civil Procedure;

Senate Bill No. 152—An Act to amend the Penal Code; and

Assembly Bill No. 35—An Act to amend sections nine hundred and fifty-six, one thousand and thirty-three, and one thousand and thirty-four of the Penal Code,

Were indefinitely postponed.

Senate Bill No. 159—An Act to amend section one thousand two hundred and seventy-three of the Penal Code.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 163—An Act to amend section four thousand three hundred and thirty-two of the Political Code, in relation to Sheriffs' fees.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 164—An Act to add a new section to the Code of Civil Procedure, and repeal certain sections of the Civil Code.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 165—An Act to amend section five hundred and forty-two of the Code of Civil Procedure, relating to the manner of attaching real property;

Senate Bill No. 167—An Act to amend section seven hundred and thirty-eight of the Code of Civil Procedure; and

Senate Bill No. 172—An Act to amend section four hundred and ninety-one of the Penal Code,

Were indefinitely postponed.

Senate Bill No. 166—An Act to amend section five hundred and fifty-nine of the Code of Civil Procedure, relating to the release of attachments on real property.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 171—An Act to amend sections two hundred and eleven and two hundred and thirteen of the Penal Code.

Indefinitely postponed.

Senate Bill No. 177—An Act to regulate Sheriffs' fees in certain counties in this State.

[President pro tem. in the chair.]

Mr. O'Connor moved to recommit the bill to the Judiciary Committee.

Lost.

On motion of Mr. Edgerton, the bill was made a special order for Thursday next, at twelve o'clock M.

Senate Bill No. 181—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bills Nos. 198 and 138 were recommitted to the Judiciary Committee.

Assembly Bill No. 30—An Act entitled an Act to amend section two hundred and forty-five of the Penal Code : and

Assembly Bill No. 160—An Act to grant leave of absence from the State to George W. Welch, Superintendent of Public Schools of Shasta County,

Were indefinitely postponed.

Assembly Bill No. 99—An Act to authorize the Secretary of State to furnish the County Judge, County Clerk, and District Attorney of Modoc County, with certain laws of the State of California.

Read third time and passed.

Senate Bill No. 204 passed on file.

Assembly Bill No. 63—An Act to add another section to the Political Code, relating to the powers and restrictions of Boards of Supervisors.

Recommitted to the Judiciary Committee.

Senate Bill No. 227—An Act to amend section one thousand four hundred and one of the Civil Code.

Mr. Edgerton moved to recommit the bill to the Judiciary Committee.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows :

AYES—Messrs. Edgerton, Haymond, Hendricks, Hilborn, Hill, Hopkins, Lewis, Lindsey, McCarthy, McGarvey, Montgomery, Rogers, and Spencer—13.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Farley, Flint, Fraser, Laine, McCoppin, McCune, O'Connor, Pierson, Roach, Turner, and Tuttle—16.

On motion of Mr. Pierson, the bill was indefinitely postponed.

Senate Bill No. 238—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

Mr. O'Connor moved to suspend the rules, to place the bill on its third reading and passage.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows :

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Edgerton, Farley, Flint, Fraser, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, McCarthy, McCoppin, McCune, McGarvey, Montgomery, O'Connor, Pierson, Rogers, Spencer, Tamm, and Tuttle—28.

NOES—Mr. Roach—1.

Read third time and passed.

Assembly Bill No. 199—An Act to amend section one hundred and seventy-two of the Code of Civil Procedure.

Indefinitely postponed.

Mr. Lewis gave notice that he would, on to-morrow, move to reconsider the vote by which the bill was indefinitely postponed.

Senate Bill No. 220—An Act to add a new section to the Penal Code, in relation to false weights and measures.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 231—An Act to amend an Act entitled an Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Red Bluff, approved February twenty-first, eighteen hundred and sixty.

Senate Bill No. 202—An Act to amend section four thousand one hundred and twenty of the Political Code.

Amendments adopted to each bill in the Committee of the Whole concurred in.

Rules suspended, the bills considered engrossed, each read a third time, and passed.

Senate Bill No. 178—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Amendments adopted. Ordered engrossed.

Assembly Bill No. 78—An Act to provide for the indebtedness registered against the General Road Fund of Sutter County; and

Assembly Bill No. 74—An Act to amend an Act entitled an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four,

Each read third time and passed.

Senate Bill No. 217 passed on file.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, January 25th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendment to Assembly Bill No. 159—Relative to the Treasurer's office of Sonoma County.

O'NEIL, Assistant Clerk.

Mr. Hilborn, by leave, introduced a bill, as follows:

An Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Rules further suspended, and ordered transmitted to the Assembly without engrossment.

#### ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Mr. O'Connor, the Senate adjourned.



## IN SENATE.

SENATE CHAMBER,  
Wednesday, January 26th., 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Mr. O'Connor presented a petition from stockholders in the Nevada and Mountain Lake Ice Company, praying for the passage of an Act allowing said corporation to change its principal place of business.

Received and referred to the Committee on Corporations.

Mr. Laine (at the request of Mr. Pierson,) presented a petition from the Ladies' Protection and Relief Society of San Francisco, requesting the appointment of a committee to visit and examine into the manner in which the institution is managed.

Received and referred to the Committee on Finance.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Lewis:

MR. PRESIDENT: The Committee on the Judiciary, to whom was referred Senate Bill No. 224—An Act to amend section four hundred and eight of the Code of Civil Procedure, relative to the issue of summons—have had the same under consideration, and herewith report the bill back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 223—An Act to provide for refunding the debt of the County of Tehama funded under an Act approved March thirtieth, eighteen hundred and sixty-four—and report the same back, with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Assembly Bill No. 114—An Act fixing the salary of the District Attorney of Humboldt County—and herewith report the same back, without recommendation.

Your committee also herewith report back "Petition of the Fish Commissioners of the State of California," with the recommendation that it be referred to the Committee on Fish and Fisheries.

Also, herewith report back a petition of certain persons in San Joaquin County, relative to the passage of an Act exempting active and exempt firemen in that county from military duty, jury duty, and the payment of poll tax, and respectfully recommend that the prayer of the petitioners be not granted, the committee being opposed to the policy of such a law as asked for in said petition.

LEWIS, Chairman.

The petition of the Fish Commissioners, above reported, was referred to the Committee on Fish and Fisheries.

By Mr. Nunan:

MR. PRESIDENT: Your committee, to whom was referred Assembly Bill No. 21—An Act to regulate the distribution and use of the road tax in the County of Stanislaus—having carefully considered the same, respectfully report it back, and recommend its passage.

Also, Assembly Bill No. 144—An Act to provide for the building and furnishing of a Court-house, offices, and jail in Tulare County—having carefully considered and amended said bill, respectfully report the same back, and recommend its passage as amended.

Also, Senate Bill No. 196—An Act for the payment of outstanding claims for the support of public schools in Mendocino County—having carefully considered and amended said bill, respectfully report the same back, and recommend its passage as amended.

Also, Senate Bill No. 201—An Act to amend an Act to regulate official salaries in the County of Solano—having carefully considered said bill, respectfully report the same back, and recommend its passage.

Also, Senate Bill No. 226—An Act to make applicable to the County of Tulare the Act entitled an Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, and Siskiyou Counties from the payment of poll tax, approved March twenty-seventh, eighteen hundred and seventy-four—having carefully considered said bill, respectfully report the same back, and recommend its indefinite postponement.

Also, Senate Bill No. 261—An Act supplementary to and amendatory of an Act to incorporate the Town of Chico, approved January eighth, eighteen hundred and seventy-two—having carefully considered the bill, respectfully report the same back, and recommend its passage.

EDWD. NUNAN, Chairman.

Subsequently, on motion of Mr. Hendricks, the rules were suspended to take up Senate Bill No. 261, above reported, to place the same on its passage.

Rules further suspended, considered engrossed, read third time, and passed.

Mr. Haymond, from the Judiciary Committee, verbally reported the preamble and resolution from members of the bar of San Bernardino County, in reference to the frequent changes and amendments to the Codes.

By Mr. Tinnin:

MR. PRESIDENT: The Committee on Public Expenditures have had under consideration Senate Bill No. 38—An Act to provide for the payment of certain indebtedness incurred by the Directors of the Deaf, Dumb, and Blind Asylum—report it back, and recommend its passage.

TINNIN, Chairman.

By Mr. Craig:

SENATE CHAMBER,  
SACRAMENTO, January 26th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 173—An Act to amend certain sections of the Political Code, relating to the school law.

CRAIG, Chairman.

By Mr. Rogers:

MR. PRESIDENT: The Committee on Contingent Expenses have had under consideration the bill of M. Keating, for a railing in the Post Office of the Senate—forty-six dollars and eighty-five cents—and report in favor of paying the same. Also, recommend that in the future similar work shall be done by the Secretary of State.

GEO. H. ROGERS, Chairman.

The following resolution, accompanying the report, was taken up:

*Resolved*, That the sum of forty-six dollars and eighty-five cents be paid to M. Keating, for a railing in the Post Office of the Senate, out of the appropriation for the contingent expenses of the Senate.

Adopted.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Bush:

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 90—An Act to authorize the Common Council of the City of Los Angeles to pay certain indebtedness created by the former Board of Water Commissioners—have had the same under consideration, and beg leave to report the same back, with an amendment, and recommend the passage of the bill as amended.

BUSH, for Delegation.

Mr. Edgerton, for the Sacramento delegation, verbally reported Assembly Bill No. 163—An Act to annex Woods Island, in Brannan School District, Sacramento County, to Rio Vista School District, in Solano County—recommending its passage.

Rules suspended, read third time, and passed.

By Mr. McCune:

Mr. President: The Yolo and Solano delegation, to whom was referred Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento with special instructions to amend said bill by adding an additional section thereto, would report the same back, and recommend that said amendment be not adopted.

McCUNE, for Delegation.

#### INTRODUCTION OF BILLS.

Mr. Lewis introduced a bill as follows:

An Act to authorize the electors of the County of Tehama to vote on the question of continuing in force an Act of the Legislature commonly known as the "stock law."

Read first and second times and referred to the Committee on Agriculture, with instructions to report the same to-morrow.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Lewis, in accordance with previous notice, moved to reconsider the vote by which the Senate on yesterday indefinitely postponed Assembly Bill No. 199—An Act to amend section one hundred and seventy-two of the Code of Civil Procedure.

Lost.

#### GENERAL FILE.

Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento.

Mr. Haymond moved to recommit the bill to the Yolo and Solano delegation, with instructions to amend the special instructions.

Lost.

The Senate refused to adopt the amendment submitted as special instructions on yesterday.

Read third time and passed.

Mr. Lewis moved to postpone the special order set for one o'clock p. m., this day (being consideration of Senate Joint Resolution No. 10 and Senate Joint Resolution No. 13), until Wednesday, February second, at the same hour.

On which the ayes and noes were demanded by Messrs. Lindsey, Angney, and Timmin, and the Senate refused, by a vote as follows:

AYES—Messrs. Bezzell, Craig, Edgerton, Flint, Haymond, Hillborn, Hopkins, Lewis, McCarthy, McCoppin, McGarvey, Pearson, and Satterwhite—13.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Farley, Fraser, Gibbons, Hendricks, Hill, Howe, Lane, Lindsey, McCune, Montgomery, Numan, O'Connor, Reach, Rogers, Spencer, Timmin, Turner, and Tuttle—23.

Mr. Edgerton moved to discharge the special order as applying to Senate Joint Resolutions Nos. 10 and 13, and that they be ordered to the head of the general file for Friday next.

Agreed to.

Special order at one o'clock P. M. Question on confirmation of L. Hamilton, as Trustee of the Asylum for the Deaf, Dumb, and Blind.

On motion of Mr. Edgerton, the rules were suspended, and action on the appointment postponed until to-morrow, at the same hour.

Mr. Hendricks moved a suspension of the rules, to order Senate Bill No. 261 engrossed out of its order.

Carried.

The rules were suspended, and Senate Bill No. 49, on the general file of to-day, was made a special order for Friday next, at twelve o'clock M., on motion of Mr. Edgerton.

#### ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Rogers, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Thursday, January 27th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

#### PETITIONS.

Mr. Roach presented a statement of proceedings of the Mechanics' State Council of California, held in the City of San Francisco, in reference to a contract made with the firm of Bancroft & Co., for school books.

Received and referred to the Committee on Education.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Eakin:

MR. PRESIDENT: The Committee on Roads and Highways report back Senate Bill No. 24 with amendments, and recommend its passage.

EAKIN, for Committee.

On motion of Mr. Haymond, the rules were suspended, and the bill above reported taken up and placed on its passage.

Senate Bill No. 24—An Act in relation to public roads in the County of Sacramento.

Amendments adopted in the Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.



### By Mr. Farley:

MR. PRESIDENT: The Committee on Corporations, to which was referred Senate Bill No. 146—An Act to amend section four hundred and thirty-seven of the Civil Code, in relation to street railroads—have had the same under consideration, and have to report the bill back, and recommend its passage.

FARLEY, Chairman.

### By Mr. Bush:

MR. PRESIDENT: The Hospital Committee, to which was referred Assembly Bill No. 29—An Act to provide for the construction of two separate hospitals, one on each side of Main Street, in the City of San Francisco, and to provide for the same, and to report the bill back, with the amendments proposed.

BUSH, for Committee.

### By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture, to which was referred Senate Bill No. 209—An Act to authorize the purchase of the County of Tehama, within the limits of the County of Tehama, and to provide for the same, and to report the same back, and recommend its passage.

HILL, Chairman.

On motion of Mr. Lewis, the rules were suspended, and the bill above reported taken up.

Rules further suspended, the bill considered engrossed, read third time, and passed; and, by general consent, ordered to the Assembly without engrossment.

### By Mr. Turner:

MR. PRESIDENT: The Committee on Education have had under consideration Senate Bill No. 254—An Act to amend the Charter of the County of San Diego, in relation to the payment of school teachers, and to provide for the same, and to report the same back, and recommend the passage of the amendment, and the passage of the bill as amended.

TURNER, for Committee.

Mr. Turner, for the Committee on Education, verbally reported Assembly Bill No. 6—An Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou, Medoc, and Sonoma Counties—requesting its return to the Assembly, to correct errors made in the Assembly in the indorsement of the history of the bill.

So ordered.

### REPORTS OF SELECT COMMITTEES.

### By Mr. Flint:

MR. PRESIDENT: The Monterey and San Benito Delegation, to whom was referred Assembly Bill No. 227—An Act to amend an Act to create the County of San Benito, to determine the boundaries thereof, and to provide for its organization, approved February twentieth, eighteen hundred and seventy-four, passed March eighteenth, and have had the same bill under consideration, and ask leave to report the same back, and recommend its passage.

FLINT, for Delegation.

The bill above reported was referred to the Committee on State and County Revenue.

### By Mr. Beazell:

MR. PRESIDENT: The Alameda Delegation, to whom was referred Senate Bill No. 241—An Act to incorporate the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society, in the Township of Oakland, County of Alameda—have had the same bill under consideration, and recommend its passage.

BEAZELL, for Delegation.

On motion of Mr. Beazell, the rules were suspended, and the bill above reported taken up.

Rules further suspended, considered engrossed, read third time, and passed.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, January 26th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 141—An Act to provide for the construction and completion of certain wagon roads in the County of Humboldt.

Also, Assembly Bill No. 270—An Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes.

Also, under suspension of the rules, Senate Bill No. 268—An Act to amend an Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

Also, herewith present certain petitions from citizens of Amador County, to accompany Assembly Bill No. 274.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, January 27th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-sixth, passed Assembly Bill No. 68—An Act to create the Twenty-first Judicial District.

Also, on January twenty-fifth, refused to pass Senate Bill No. 130—An Act to appropriate money to pay the claim of John L. Love.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 68, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 141 and 270, above reported, each read first and second times and referred to the delegations named in the bills.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Pierson—An Act to add an additional section to the Penal Code, to be designated as section two hundred and fifty-eight.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tinnin—An Act to amend an Act entitled an Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta, approved March eighteenth, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Education.

By Mr. Angney—An Act to provide for a deficiency in the appropriation for the support of the State Normal School, for the twenty-sixth and twenty-seventh fiscal years.

Read first and second times and referred to the Committee on Finance.

By Mr. Roach (by request of the Board of Supervisors of the City and County of San Francisco)—An Act to reincorporate the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Beazell—An Act to establish a State detective force, for the better enforcement of the laws.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Lindsey, the rules were suspended to take up for consideration, from the general file, Assembly Bill No. 144—An Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds.

Amended, and sections renumbered.

Read third time and passed.

Mr. Hendricks, by leave, submitted a report as follows:

MR. PRESIDENT: The undersigned, author of Senate Bill No. 99—An Act granting relief to delinquent taxpayers whose taxes were sold to the State, and to the effect of the same was returned, herewith reports the bill back, with amendments, and recommends that the same be so amended, with the bill, to the Judiciary Committee.

HENDRICKS.

The bill was so referred.

Mr. Craig submitted reports as follows:

#### SENATE CHAMBER.

SACRAMENTO, February 27<sup>th</sup>, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and have correctly engrossed Senate Bill No. 261—An Act supplementary to and amendatory of an Act to incorporate the Town of Colusa, approved January eighth, eighteen hundred and seventy-two.

CRAIG, Chairman.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 220—An Act to add a new section to the Penal Code, in relation to false weights and measures.

Also, Senate Bill No. 178—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve certain land in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Also, Senate Bill No. 202—An Act to amend section four thousand one hundred and twenty of the Political Code.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to grant the right to convey water for power to occupy the residents of the Town of Red Bluff, approved February twenty-first, eighteen hundred and sixty.

Also, Senate Bill No. 238—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

CRAIG, Chairman.

#### GENERAL FILE.

Senate Bill No. 243—An Act to add additional sections to the Political Code, approved March twelfth, eighteen hundred and seventy-two.

Amended, and ordered to the head of the general file for Monday next.

Senate Bill No. 248—An Act to provide for a Keeper of the State Capitol and Capitol grounds.

Twelve o'clock M., the hour to consider Senate Bill No. 177 as a special order, having arrived, on motion of Mr. Pierson, it was postponed for one hour.

Amendments made to Senate Bill No. 248 in the Committee of the Whole concurred in.

Mr. Haymond moved to recommit the bill, together with Senate

Bill No. 243, to the Committee on Retrenchment and Reform, with instructions to report a bill which shall require every State officer to furnish the stationery used in his office, and all porters necessary, without charge to the State, and that a certain fixed allowance in money be allowed to each officer in place thereof.

On which the ayes and noes were demanded by Messrs. Haymond, McCune, and Fraser, and the Senate refused to recommit, by a vote as follows :

AYES—Messrs. Edgerton, Fraser, Haymond, Hendricks, Hilborn, Hopkins, McGarvey, and Turner—8.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Eakin, Evans, Farley, Flint, Gibbons, Hill, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, Montgomery, Numan, O'Connor, Pierson, Roach, Satterwhite, Shirley, Spencer, Timin, and Tuttle—27.

Mr. Farley moved that the bill be placed second on the general file for Monday next.

So ordered.

On motion of Mr. Lewis, the special order set for one o'clock this day, being action on the appointment of L. Hamilton, as Trustee of the Deaf, Dumb, and Blind Asylum, was postponed until Thursday next, at the same hour.

#### SPECIAL ORDER.

Senate Bill No. 177—An Act to regulate Sheriffs' fees in certain counties in this State.

Amendments adopted in Committee of the Whole concurred in.

Amended.

Mr. Hill moved to exempt Sonoma County.

Lost.

Rules suspended, considered engrossed, read third time.

[Mr. Evans in the chair.]

Mr. Tuttle moved to recommit the bill, with special instruction to strike out Sonoma County.

Mr. Martin offered an amendment to the instruction, by striking out Placer County.

The Senate refused to recommit the bill.

The bill was then passed.

Title amended.

Mr. Edgerton, for the Sacramento delegation, by leave, verbally reported Senate Bill No. 267—An Act to enable the Board of Trustees of the City of Sacramento to pay certain indebtedness contracted in street repairs in said city—recommending its passage.

Rules suspended, and the bill taken up and placed on its passage.

Considered engrossed, read third time, and passed.

Mr. Edgerton, by leave, introduced a bill as follows: An Act to amend section one hundred and seventy-two of the Penal Code, being a substitute for Senate Bill No. 76.

Read first and second times and referred to the Judiciary Committee.

Mr. McCarthy submitted the following reports:

SENATE CHAMBER.  
SACRAMENTO, January 27th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 191—An Act to empower the City Council of the City of Stockton to adopt measures to protect said city from inundation, and for the taking of private property for public use.



Also, Senate Bill No. 190—An Act to further define the duties of the short-hand reporter of the County Court of the County of San Joaquin.

Also, Senate Bill No. 85—An Act to amend section five hundred and sixty-four of the Penal Code, relating to crimes and punishments.

Also, Senate Bill No. 84—An Act to add another section to the Civil Code, relating to corporations.

Also, Senate Bill No. 120—An Act to amend an Act entitled an Act to provide for the location and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four.

And have this day, at eleven o'clock and forty-five minutes A. M., presented the same to his Excellency the Governor for his approval.

T. McCARTHY, Chairman.

SENATE CHAMBER.

SACRAMENTO, January 27th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 268—An Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano, approved March twenty-fourth, eighteen hundred and seventy-four.

And have this day, at twelve o'clock A. M., presented the same to his Excellency the Governor for his approval.

T. McCARTHY, Chairman.

#### GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 27th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 268—An Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano, approved February twenty-fourth, eighteen hundred and seventy-four.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 27th, 1876. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have this day made the following appointments, and respectfully ask their confirmation:

Caleb Dorsey, resident of Stanislaus County, vice L. M. Cutting; F. T. Baldwin, resident of San Joaquin County, vice J. K. Doak; Robert Watt, resident of the City and County of San Francisco, vice W. R. Cluness, as members of the Board of Directors of the Insane Asylum.

WILLIAM IRWIN, Governor.

The Senate went into executive session to consider the appointments made by the Governor.

Upon the question, "Will the Senate advise and consent to the appointment of Caleb Dorsey, vice L. M. Cutting, as a Director of the Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Lane, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Roach, Rogers, Satterwhite, Shirley, Spencer, Timon, and Tuttle—30.

NOES—None.

Whereupon the Chair announced the appointment of Caleb Dorsey, as a Director of the Insane Asylum, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of F. T. Baldwin, vice J. K. Doak, as a Director of the Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Howe, Laine, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, Rogers, Satterwhite, Shirley, Spencer, Timmin, and Tuttle—29.

NOES—None.

Whereupon the Chair announced the appointment of F. T. Baldwin, as a Director of the Insane Asylum, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Robert Watt, vice W. R. Cluness, as a Director of the Insane Asylum?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, Rogers, Satterwhite, Shirley, Spencer, Timmin, and Tuttle—31.

NOES—None.

Whereupon the Chair announced the appointment of Robert Watt, as a Director of the Insane Asylum, duly confirmed.

Mr. Roach, by leave, submitted a report as follows:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 44, introduced by Senator Howe, have considered the same, and recommend the passage of the bill as amended.

Also, have considered Senate Bill No. 213, introduced by Senator McCoppin, and recommend the passage of the same as amended.

ROACH, Chairman.

Senate Bill No. 44, above reported, was referred to the Committee on Claims.

On motion of Mr. McCoppin, the rules were suspended, and Senate Bill No. 213, above reported, taken up for consideration.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time.

On motion of Mr. Pierson, the bill was recommitted to the delegation, with special instructions to amend.

By leave, the Chairman of the delegation reported the bill amended in accordance with the special instructions.

On the passage of the bill, the ayes and noes were demanded by Messrs. Rogers, Bartlett, and Fraser, and it passed, by a vote as follows:

AYES—Messrs. Angney, Beazell, Bush, Craig, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hill, Howe, Laine, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Satterwhite, Shirley, and Tuttle—29.

NOES—Messrs. Bartlett and Rogers—2.

#### GENERAL FILE RESUMED.

Assembly Bill No. 11—An Act to protect lumber manufacturers.

Read third time and passed.

Senate Bill No. 117—An Act to amend section seven hundred and thirty-six of the Political Code.

Indefinitely postponed.

Senate Bill No. 23—An Act to amend section two hundred and sixty-six of the Political Code of the State of California, concerning the compensation of members of the Legislature.

Mr. Lewis moved that the bill, and the substitute therefor, be placed at the head of the general file for one week from Friday.

On which the ayes and noes were demanded by Messrs. Haymond, O'Connor, and Satterwhite, and the Senate refused, by a vote as follows:

Aves—Mour. B., Mour. C., Mour. D., Mour. E., Mour. F., Mour. G., Mour. H., Mour. I., Mour. J., Mour. K., Mour. L., Mour. M., Mour. N., Mour. O., Mour. P., Mour. Q., Mour. R., Mour. S., Mour. T., Mour. U., Mour. V., Mour. W., Mour. X, Mour. Y, Mour. Z.

[illegible]

On the adoption of the substitute introduced by the Committee on Retrenchment and Reform for Senate Bills Nos. 23 and 205, the ayes and noes were demanded by Messrs. Lewis, Edgerton, and McGarvey, and it was adopted, by a vote as follows:

[illegible]

Nicks—Mosses, Martin, McGeevay, Nippon, Sanyo, and T. 1901. 3.

[Mr. Tuttle in the chair.]

Amendments adopted in Committee of the Whole concurred in.

Mr. Lewis offered an amendment as follows: "That this Act shall take effect immediately, so far as it relates to the compensation of **members of the Legislature.**"

On which the yeas and noes were demanded by the requisite number, and the Senate refused to adopt the amendments, by a vote as follows:

Aves. Messers, B. — B. G. — C. — D. — E. — F. — G. — H. — I. — J. — K. — L. — M. — N. — O. — P. — Q. — R. — S. — T. — U. — V. — W. — X. — Y. — Z. — 18.

**NORS**—Messrs. Angney, Bartlett, Bush, Eakin, Farley, Gibbons, Hendricks, Hill, Howe,  
Linn, L. Ross, Martin, McLaughlin, McIntire, McCune, Satterwhite, Spencer, Tamm, Tanner,  
and Telford.—20.

Mr. Lewis offered the following amendment: Amend by adding at the end of said section four, "The provisions of this Act shall not apply to the terms of members of the Legislature now in office."

On which the ayes and noes were demanded by Messrs. Edgerton, Haymond, and Lindsey, and it was lost, by a vote as follows :

Aves—Masses, Bampton, Bush, Farley, Long, Lunsley, Martin, McCallan, McElroy, O'Connor, Pierson, Roach, Rogers, and Tiinnin—13.

Nogs—Messrs. Anguey, Beazell, Craig, Eakin, Edgerton, Evans, Flint, Fraser, Gibbons, Hay,  
H., H., H., H., H., H., H., H., H., H., H., H., H., H., H., H., H., H., H., H., H., H., H., H.,  
Nunan, Satterwhite, Shirley, Spencer, Turner, and Tuttle—25.

Mr. Laine offered an amendment as follows: " Fifty dollars to be paid each week until the end of the session, when the remainder shall be paid."

Lost.

Mr. Haymond offered an amendment as follows: Amend the last section by adding the following: "But nothing in this Act shall be construed to authorize any Senator, at the next session of the Legislature, to receive more than ten dollars per day."

Lost.

Mr. Edgerton offered an amendment as follows: "Forty-five dollars to be paid each week until the end of the session, when the remainder shall be paid."

On which the ayes and noes were demanded by Messrs. Edgerton, Hammond, and Lindsey, and the Senate refused to adopt it, by a vote as follows:

AYES—Messrs. Bartlett, Edgerton, Evans, Flint, Fraser, Haymond, Hilborn, Hopkins, Laine, Lindsey, Martin, McCune, Montgomery, O'Connor, Reach, Tinnin, Turner, and Tuttle—18.  
 NOES—Messrs. Angney, Beazell, Bush, Craig, Eakin, Farley, Gibbons, Hendricks, Hill, Howe, Lewis, McCarthy, McCoppin, McGarvey, Numan, Pierson, Rogers, Satterwhite, Shirley, and Spencer—20.

On the engrossment of the bill, the ayes and noes were demanded by the requisite number, and it was ordered engrossed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Edgerton, Evans, Farley, Flint, Fraser, Haymond, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, McCoppin, McCune, Montgomery, O'Connor, Roach, Shirley, Spencer, Tinnin, Turner, and Tuttle—27.

NOES—Messrs. Craig, Eakin, Gibbons, Hendricks, Martin, McCarthy, McGarvey, Numan, Pierson, Rogers, and Satterwhite—11.

#### ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Lindsey, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,

Friday, January 28th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

#### PETITIONS.

Mr. Hill presented a memorial from citizens of Tulare County, in reference to Senate Bill No. 9—providing a system of irrigation.

Received and referred to the Committee on Irrigation and Water Rights.

Mr. Lewis presented a petition from residents and electors of Tehama County, asking the repeal of the "stock law" in that county.

Received and referred to the Tehama County delegation.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Howe:

MR. PRESIDENT: The Committee on Commerce and Navigation have had under consideration Senate Bill No. 230—An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto—and report the same back, with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

HOWE, Chairman.

On motion of Mr. Hilborn, the bill above reported was referred to the Judiciary Committee.



By Mr. Nunan:

MR. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Assembly Bill No. 94—An Act concerning the office of County Surveyor of the County of Santa Cruz—having carefully considered said bill, respectfully report the same back, and recommend its passage.

Also, Senate Bill No. 206—An Act to authorize and direct the County Treasurer of Tulare County to pay certain orders drawn on him by the Road Commissioners of said county—having carefully considered said bill, respectfully report the same back, and recommend its passage.

Also, Senate Bill No. 239—An Act to authorize the Board of Education of Valapo Township, in the County of Solano, to borrow money for school purposes—having carefully considered said bill, respectfully report the same back, and recommend its passage.

Also, Senate Bill No. 244—An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, additional powers—respectfully report said bill back, and recommend its reference to the Committee on Swamp, Overflowed, and Tide Lands.

NUNAN, Chairman.

Senate Bill No. 244, above reported, was referred to the Committee on Swamp and Overflowed Lands.

By Mr. Gibbons:

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 17—In relation to the Presidio Reservation;

Also, Assembly Concurrent Resolution No. 24—Favoring the transfer of Indian affairs to the War Department;

Also, Assembly Concurrent Resolution No. 7—Relative to a breakwater at Crescent City;

Also, Assembly Concurrent Resolution No. 19—Relative to Mail Route Number Forty-six Thousand One Hundred and Nine.

Also, Assembly Concurrent Resolution No. 14—Relative to increase of mail service between Crescent City and Jacksonville;

Also, Assembly Concurrent Resolution No. 6—Concerning the improvement of the Harbor of San Luis Obispo—report the same back, and recommend their passage.

The committee also report back, Senate Concurrent Resolution, No. 2—Relative to the improvement of certain rivers in this State—with an amendment, and recommend the passage of the same with the amendment.

GIBBONS, Chairman.

By Mr. Craig:

SENATE CHAMBER,

SACRAMENTO, January 28th, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 181—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over.

Also, Senate Bill No. 164—An Act to add a new section to the Code of Civil Procedure, and to repeal certain sections of the Civil Code.

Also, Senate Bill No. 166—An Act to amend section five hundred and fifty-nine of the Code of Civil Procedure, relating to the release of attachments on real property.

Also, Senate Bill No. 159—An Act to amend section one thousand two hundred and seventy-three of the Penal Code.

Also, Senate Bill No. 163—An Act to amend section four thousand three hundred and thirty-two of the Political Code, in relation to Sheriffs' fees.

Also, Senate Bill No. 128—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure, in relation to appeals.

FLINT AND CRAIG, for Committee.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 218—An Act to pay the claim of D. H. Norris, for injuries sustained in the service of the State—have had the same under consideration, and would report it back, and recommend that it do not pass.

Also, Senate Bill No. 44—An Act for the relief of J. J. Conlin—and would report the same back, and recommend that it do pass.

Also, Senate Bill No. 219—An Act for the relief of John Jackson, ex-Sheriff and ex-officio Tax Collector of Trinity County—and now report the same back, with a substitute, and recommend the adoption of the substitute and the passage of the same.

O'CONNOR, Chairman.

## REPORTS OF SELECT COMMITTEES.

## By Mr. Montgomery :

MR. PRESIDENT: The delegation from Merced, to whom was referred Senate Bill No. 195—An Act to amend section eighty-eight of the Code of Civil Procedure, relating to the terms of the County Court in the County of Merced—herewith report the same back, with a substitute, and recommend the adoption and passage of the substitute.

MONTGOMERY, for Delegation.

The bill above reported was referred to the Judiciary Committee.  
By Mr. McGarvey :

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 141—An Act for the construction of and completion of certain roads in the County of Humboldt—has had the same under consideration, and report the same back, and ask that it be referred to the Committee on Roads and Highways.

McGARVEY, for Delegation.

The bill was so referred.  
By Mr. Hill :

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 256—An Act to protect sea-gulls in the neighborhood of Santa Monica—have had the same under consideration, and report the same back, with recommendation that the bill pass.

HILL, Chairman.

## ASSEMBLY MESSAGE.

## The following message was received from the Assembly :

ASSEMBLY CHAMBER,

SACRAMENTO, January 27th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January eighteenth, passed Assembly Bill No. 219—An Act to change the name of Tule River School District, in the County of Tulare, to that of Porterville School District, and to provide for additional school facilities therein.

Also, on January twenty-seventh, passed, under suspension of the rules, Senate Bill No. 261—An Act supplementary to and amendatory of an Act to incorporate the Town of Chico, approved January eighth, eighteen hundred and seventy-two.

Also, on same date, passed, under suspension of the rules, Senate Bill No. 269—An Act to authorize the electors of the County of Tehama to vote on the question of continuing in force an Act of the Legislature commonly known as the "stock law."

Also, on same date, concurred in Senate amendments to Assembly Bill No. 60 and Assembly Bill No. 144.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 119, above reported, read first and second times and referred to the Committee on Education.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Pierson—An Act to compel the retraction of false or defamatory articles in newspaper or serial publications.

Also, an Act to amend section one thousand eight hundred and nineteen of the Code of Civil Procedure.

Each of the above bills read first and second times and referred to the Judiciary Committee.

By Mr. McCoppin—An Act to confirm the sales of certain lands made by the Commissioners appointed under the Act of the Legisla-

ture approved May eighteenth, eighteen hundred and fifty-three, entitled an Act to provide for the sale of the interest of the State of California in the property within the water-line front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one, and the Act supplementary thereto and amendatory thereof, passed on the first day of May, eighteen hundred and fifty-five, and to release the title of the State to the same.

Read first and second times and referred, with the documents accompanying the bill, to the Judiciary Committee.

By Mr. Laine (for the Retrenchment Committee)—An Act to amend certain sections of the Political Code, concerning the salaries of judicial officers and officers connected with the Supreme Court.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Evans—An Act to repeal sections three thousand seven hundred and forty-eight and three thousand seven hundred and forty-nine of the Political Code, relating to the collection of taxes.

Read first and second times and referred to the Judiciary Committee.

By Mr. Spencer—An Act relating to the collection of delinquent taxes of the State for the twenty-fourth and twenty-fifth fiscal years.

Also, an Act to amend sections two hundred and thirteen and one thousand five hundred and forty-seven of the Penal Code.

By Mr. Donovan—An Act to amend section two thousand two hundred and twenty-one of the Political Code.

Each of the above bills read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Donovan offered a resolution as follows:

*Resolved*, That the term of thirty days, for which the Committee on Public Buildings was allowed a clerk, shall be extended to sixty days, to date from the time that said clerk was first appointed, at a salary of five dollars per day, the same to be paid out of the appropriation for the contingent expenses of the Senate.

Rules suspended and the resolution adopted.

#### GENERAL FILE.

Senate Joint Resolution No. 10—In reference to the change of route of the Southern Pacific Railroad.

Reported from the Committee of the Whole, with amendments, without recommendation.

Mr. Edgerton moved to suspend the rules, to order the resolution, with the pending amendments, printed immediately and out of its order, and that the whole subject be made a special order for Thursday, February third, at one o'clock P. M.

Mr. Angney offered an amendment to the motion, fixing the time at Wednesday next, at one o'clock P. M.

Amendment lost.

The motion of Mr. Edgerton was agreed to.

Senate Joint Resolution No. 13—Relating to the Atlantic and

Pacific Railroad Reserve—was made a special order for the same day and hour.

Special order at twelve o'clock M. Senate Bill No. 49—An Act to amend the Political Code of the State of California, and other Acts concerning military affairs.

Mr. Howe moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Donovan, Evans, Fraser, Haymond, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, Numan, Pierson, Roach, Rogers, and Spencer—17.

NOES—Messrs. Angney, Bartlett, Bush, Eakin, Elgerton, Farley, Gibbons, Hendricks, Hill, Laine, Lindsey, McCune, McGarvey, Montgomery, O'Connor, Satterwhite, Shirley, Tinnin, Turner, and Tuttle—20.

On motion of Mr. Evans, the bill was ordered at the head of the general file for Wednesday next.

#### GENERAL FILE RESUMED.

Senate Bill No. 178—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Read third time and passed.

Senate Bill No. 98—An Act to amend section three thousand seven hundred and eighty-five of the Political Code of the State of California.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 222—An Act to amend section seven hundred and two of the Code of Civil Procedure.

Amendments adopted in Committee of the Whole concurred in.

Ordered engrossed.

Assembly Bill No. 57 recommitted to the Judiciary Committee.

Senate Bill No. 228—An Act to amend section two hundred and forty-nine of the Penal Code.

Amendments adopted.

Rules suspended, considered engrossed, read third time, and passed.

#### QUESTION OF PRIVILEGE.

Mr. Lewis, rising to a question of privilege, read from the *San Francisco Daily Chronicle*, a newspaper published in the City of San Francisco, a part of the special reporter's legislative correspondence to said paper, appearing in this day's issue, under the head of "The raid on the liberty of the press," which reflected upon himself and other Senators, denouncing the same as maliciously false in every particular; and after submitting to the Senate reasons therefor, asked and obtained leave to introduce a resolution, as follows:

*Resolved*, That the present reporter of the *San Francisco Chronicle* be expelled from the floor of this Senate forthwith.

Mr. Gibbons offered the following amendment, which was accepted: "And that said paper be hereby denied a reportorial representative upon the floor of the Senate."

Adopted as amended.



Senate Bill No. 250—An Act to provide for the construction of an academy in the County of Tehama.

Recommitted to the Judiciary Committee.

Senate Bill No. 64 passed on file.

Senate Bill No. 75—An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda, passed March thirtieth, eighteen hundred and seventy-four.

Amendments adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 204—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 217 recommitted to the Committee on Corporations.

Senate Bill No. 224—An Act to amend section four hundred and eight of the Code of Civil Procedure, relative to the issue of summons.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 223 passed on file.

Assembly Bill No. 114—An Act fixing the salary of the District Attorney of Humboldt County; and

Assembly Bill No. 21—An Act to regulate the distribution and use of the road tax in the County of Stanislaus—

Each read third time and passed.

Senate Bill No. 196—An Act to provide for the payment of outstanding claims, for the support of public schools, in Mendocino County.

Amendments adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 99 referred to the Judiciary Committee.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, )  
SACRAMENTO, January 28th, 1876. )

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed a resolution requesting the Senate to return Assembly Bill No. 235, for the purpose of amending the same.

O'NEILL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, January 28th, 1876. )

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-seventh, passed Assembly Bill No. 118—An Act to add a section to the Political Code, in regard to contesting elections for members of the Legislature.

Also, Assembly Bill No. 131—An Act to amend sections three thousand four hundred and forty-one, three thousand four hundred and forty-two, and three thousand four hundred and forty-three of the Political Code.

Also, on same date, indefinitely postponed Senate Bill No. 46—An Act to appropriate money to pay the claim of James J. Green.

Also, Senate Bill No. 50—An Act to appropriate money to pay the claim of Drury Melone.

Also, on January twentieth, passed Assembly Bill No. 235—An Act to amend section sixty-eight of the Code of Civil Procedure.

Also, on January twenty-fourth, passed Assembly Bill No. 261—An Act to authorize E. Barry to remove the remains of deceased persons.

Also, on this date, January twenty-eighth, passed Assembly Bill No. 142—An Act to amend section four hundred and thirteen of the Code of Civil Procedure.

Also, Assembly Bill No. 216—An Act to amend an Act entitled an Act to fix the terms of the County Court of the County of Monterey, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 4—An Act to amend section one thousand one hundred and sixty of the Political Code.

Also, Assembly Bill No. 192—An Act in reference to deeds and powers of attorney heretofore executed by married women.

Also, Assembly Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code.

Also, Senate Bill No. 40—An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to the State, approved March twenty-eighth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 173—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure.

Also, Assembly Bill No. 38—An Act to authorize the appointment of an additional interpreter for the Criminal Court of the City and County of San Francisco.

Also, Assembly Bill No. 117—An Act to provide for the safety of persons attending public assemblies.

Also, indefinitely postponed Senate Bill No. 189—An Act to amend section six hundred and twenty-seven of the Penal Code.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 235 was ordered returned to the Assembly, in accordance with the request of the Assembly.

Assembly Bills Nos. 118, 131, 235, 142, 4, 192, 195, and 173, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 261, above reported, read first and second times and referred to the Committee on Hospitals.

Assembly Bill No. 216, above reported, read first and second times and referred to the Monterey County delegation.

Assembly Bill No. 38, above reported, read first and second times and referred to the San Francisco delegation.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 28th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved the following Senate bills:

No. 33—An Act to amend section six hundred and twenty-six of the Penal Code.

No. 65—An Act to amend section three hundred and forty of the Code of Civil Procedure.

No. 191—An Act to empower the City Council of the City of Stockton to adopt measures to protect said city from inundation, and for the taking of private property for public use.

No. 190—An Act to further define the duties of the short-hand reporter of the County Court of the County of San Joaquin.

No. 120—An Act to amend an Act entitled an Act to provide for the location and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four; and

No. 85—An Act to amend section five hundred and sixty-four of the Penal Code.

WILLIAM IRWIN, Governor.

#### GENERAL FILE RESUMED.

Senate Bill No. 201—An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 226—An Act to make applicable to the County of Tulare the Act entitled an Act to exempt firemen in Nevada,

Placer, El Dorado, Alameda, and Siskiyou Counties from payment of poll taxes, approved March twenty-seventh, eighteen hundred and seventy-four.

Indefinitely postponed.

Mr. Beazell was granted leave of absence for three days.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, January 28th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 269—An Act to authorize the electors of the County of Tehama to vote on the question of continuing in force an Act of the Legislature commonly known as the "stock law"—and have this day, at twelve o'clock M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

#### ADJOURNMENT.

At three o'clock and thirty-five minutes P. M., on motion of Mr. Edgerton, the Senate adjourned until Monday, the thirty-first day of January, at three o'clock P. M.

#### IN SENATE.

SENATE CHAMBER,  
Monday, January 31st, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of Friday last read and approved.

Messrs. Edgerton, Evans, Laine, Hill, Hopkins, Roach, McCarthy, Donovan, and Rogers, were granted leave of absence for one day.

#### PETITIONS.

Mr. Pierson presented a petition of the Little Sisters' Infant Shelter for an appropriation.

Received and referred to the Committee on Finance.

Mr. Shirley presented a petition from citizens of Benicia, asking for the passage of a joint resolution, accompanying the petition, in reference to erecting a light-house and fog-bell in the Straits of Carquinez, at or near Benicia or Martinez.

Received and referred to the Committee on Federal Relations.

Mr. Flint presented a remonstrance from citizens of Monterey County against the passage of any bill to annex any part of Monterey to San Luis Obispo County.

Received and referred to the Committee on Counties and County Boundaries.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Eakin:

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 144—An Act to provide for the construction and completion of certain wagon roads in the County of Humboldt—have had the same under consideration, and respectfully report the same back, with the recommendation that it pass.

EAKIN, for Committee.

By Mr. Bush:

MR. PRESIDENT: The Senate Hospital Committee respectfully submit the accompanying reports as the result of their investigations of the Stockton Insane Asylum, Napa Insane Asylum, and the Deaf, Dumb, and Blind Asylum, and ask that they be printed.

BUSH, Chairman.

The reports submitted by the Committee on Hospitals were ordered printed, on motion of Mr. Bush.

By Mr. Tuttle:

SENATE CHAMBER, )  
SACRAMENTO, January 31st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 261—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, approved January eighth, eighteen hundred and seventy-two.

Also, Senate Bill No. 40—An Act to amend an Act regulating the sale of mineral lands belonging to this State, approved March twenty-eighth, eighteen hundred and seventy-four.

And have, on this thirty-first day of January, eighteen hundred and seventy-six, at two o'clock P. M., presented the same to his Excellency the Governor for his approval.

TUTTLE, for Committee.

By Mr. Craig:

SENATE CHAMBER, )  
SACRAMENTO January 31st, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 241—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society in the Township of Oakland, County of Alameda.

Also, Senate Bill No. 24—An Act in relation to public roads in the County of Sacramento.

Also, Senate Bill No. 177—An Act to regulate the Sheriff's commissions in certain counties in this State.

Also, Senate Bill No. 267—An Act to enable the Board of Trustees of the City of Sacramento to pay certain indebtedness contracted for street repairs in said city.

Also, Senate Bill No. 213—An Act supplementary to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Also, substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 98—An Act to amend section three thousand seven hundred and eighty-five of the Political Code of the State of California.

Also, Senate Bill No. 222—An Act to amend section seven hundred and two of the Code of Civil Procedure.

Also, Senate Bill No. 228—An Act to amend section two hundred and forty-nine of the Penal Code.

Also, substitute for Senate Bill No. 75—An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda, passed March thirtieth, eighteen hundred and seventy-four.

Also, Senate Bill No. 204—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure.

FLINT AND CRAIG, for Committee.

## REPORTS OF SELECT COMMITTEES.

By Mr. Bush:

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 175—An Act to authorize the corporation, the Mayor, and Common Council of the City of Los Angeles to issue bonds, and to provide means for the improvement of irrigation in said city—have had the same under consideration, and beg leave to report the same back, and recommend that it be referred to the Committee on Corporations.

BUSH, for Delegation.



The bill was so referred.  
By Mr. Flint:

MR. PRESIDENT: The Monterey delegation, to whom was referred Assembly Bill No. 216—An Act to amend an Act entitled an Act to fix the terms of the County Court of the County of Monterey, approved March thirtieth, eighteen hundred and seventy-two—ask leave to report the same back, and recommend its passage.

FLINT, for Delegation.

On motion of Mr. Flint, the rules were suspended, and the bill above reported taken up.

Read third time and passed.

By Mr. Pierson (at request of Mr. Roach):

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 109, introduced by Senator Roach, have considered the same, and recommend the passage of the bill as amended.

ROACH, Chairman.

By Mr. McCoppin, a minority report, as follows:

MR. PRESIDENT: The undersigned, a minority of the San Francisco delegation, have had under consideration Senate Bill No. 109—An Act entitled an Act to authorize the widening of Dupont street, in the City of San Francisco—and recommend that the same do not pass, for the reason that it would create a debt of an exceptional and inequitable character. It may be desirable, even necessary, to widen Dupont street, but it ought to be done upon a cash basis, since in no other way can the benefits and damages incident thereto be made equal and uniform.

This is a proposition to create a special commission, with power to assess benefits and damages upon the line of Dupont and adjacent streets, by reason of the widening of the former, and to issue and sell seven per cent. bonds, at ninety-five cents on the dollar, to pay for the property which may be appropriated to the widening of the street. The damages are to be paid for immediately, in cash, out of the proceeds of the sale of bonds, whilst the benefits, so called, are to be massed in a general mortgage covering the property affected, which mortgage shall be represented by the aforesaid twenty-year bonds, and this, too, whether the property-owners concerned will it or not.

In cases where the benefits and damages happen to be equal, leaving nothing in reality to be paid, there should be no debt; but under the operation of this bill, the damages must be paid for in cash, while the benefits are made collectable by installments in twenty years. Suppose two persons own the entire frontage of a block on Dupont street—one the east, the other the west side—and that the property of the person owning the west side is damaged, by reason of the widening, to the extent of one hundred thousand dollars, and that the benefits accruing to the same property amount to fifty thousand dollars; in that case the latter sum is *all* that should be provided for; but under the provisions of this bill, one hundred thousand dollars would have to be paid immediately; and thus, by a legal fiction, an unnecessary debt of fifty thousand dollars be created. This reasoning is, it seems to us, equally applicable to fractional portions of blocks.

Again: if a person should own two lots, one on the east, the other upon the west side of Dupont street, and the damage to one should equal the benefit to the other, there ought in such case to be no remaining debt; yet the owner of such lots would, under this bill, receive the full cash value of his damage, and have both his lots mortgaged for twenty years, to pay back the sum so obtained.

For these and other reasons, the bill should not, in the opinion of the undersigned, pass in its present shape, but should be so amended as to remove those objectionable features herein indicated.

McCOPPIN,  
BARTLETT.

By Mr. Nunan (at request of Mr. Roach):

MR. PRESIDENT: The San Francisco delegation, to whom was recommitted Senate Bill No. 56, introduced by Senator Nunan, have prepared a substitute therefor, marked "B," and recommend its passage.

ROACH, Chairman.

#### GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
SACRAMENTO, January 31st, 1876. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have this day appointed James S. Cameron, M. D., a resident of Tehama County, a member of the State Board of Health, vice James Murphy, whose appointment was not confirmed, and respectfully request that the Senate advise and consent to the appointment of the said James S. Cameron.

WILLIAM IRWIN, Governor.

The Senate went into executive session to consider the appointment.

Upon the question, "Will the Senate advise and consent to the appointment of James S. Cameron, M. D., vice James Murphy, as a member of the State Board of Health?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Hendricks, Hilborn, Howe, Lewis, Lindsey, Martin, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Satterwhite, Shirley, Spencer, Timmin, Turner, and Tuttle—30.

NOES—None.

Whereupon the Chair announced the appointment of James S. Cameron, M. D., as a member of the State Board of Health, duly confirmed.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
SACRAMENTO, January 31st, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 53—An Act to provide for the redemption of certain bonds of the County of Solano.

Also, Senate Bill No. 79—An Act to amend section seven hundred and eighty-three of the Penal Code, relating to offenses committed on railroads and vessels.

Also, Senate Bill No. 84—An Act to add another section to the Civil Code, relating to corporations.

Also, Senate Bill No. 126—An Act making the County Recorder of Solano County ex officio Auditor of said county.

Also, Senate Bill No. 269—An Act to authorize the electors of the County of Tehama to vote on the question of continuing in force an Act of the Legislature known as the "stock law."

WILLIAM IRWIN, Governor.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER. }  
SACRAMENTO, January 31st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the date set forth herein, passed Assembly Bill No. 19—An Act to transfer the Swamp Land Fund of Del Norte County to the General Fund of said county.

Also, Assembly Bill No. 39—An Act to exempt certain persons from the payment of poll tax.

Also, Assembly Bill No. 122—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Also, Assembly Bill No. 184—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer.

Also, Assembly Bill No. 197—An Act concerning the office of County Clerk of Santa Barbara County.

Also, Assembly Concurrent Resolution No. 23—Relative to additional homestead claims for soldiers and sailors.

Also, Assembly Concurrent Resolution No. 4—Relative to the survey of mountain grazing lands in this State.

Also, on this date, passed, under suspension of the rules, Assembly Bill No. 74—An Act regulating the salaries of certain officers in Tuolumne County.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 4, above reported, read first and second times and referred to the Committee on Mines and Mining Interests.

Assembly Concurrent Resolution No. 23, above reported, read first and second times and ordered to the head of the general file for to-morrow.

Assembly Bill No. 197, above reported, read first and second times and referred to the Santa Barbara delegation.

Assembly Bill No. 184, above reported, read first and second times and referred to the Alameda delegation.

Assembly Bills Nos. 122 and 39, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 19, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Gibbons offered the following:

*Resolved*, That the following be added to the Standing Joint Rules, as Rule No. 23:

No newspaper that makes use of language in regard to any member of the Legislature during its session, which would be deemed unparliamentary if used by one member towards another, should be represented upon the floor of either House by a reporter. This rule shall not be construed to prohibit fair comments upon the public acts of members, or the exposure of known official delinquency.

Referred to the Committee on Rules.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lewis—An Act to amend section two hundred and ninety of the Civil Code, concerning corporations.

Read first and second times and referred to the Judiciary Committee.

By Mr. McCoppin—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Read first and second times and referred to the San Francisco delegation.

By Mr. Lindsey (by request)—An Act relating to the funds of Swamp Land District Number Five.

Read first and second times, referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

By Mr. Beazell—An Act to district the City of Oakland in wards.

Read first and second times and referred to the Committee on Corporations.

By Mr. McGarvey—An Act to create the Twenty-second Judicial District.

Also, an Act to amend sections one hundred and thirty-one and one hundred and thirty-two of the Political Code, relating to judicial districts.

Also, an Act to amend section sixty-four of the Code of Civil Procedure.

By Mr. Satterwhite—An Act to add two more sections to the Civil Code, to be numbered sections five hundred and fifty-two and five hundred and fifty-three.

Each of the above bills read first and second times and referred to the Judiciary Committee.

By Mr. Satterwhite—An Act to enable the County of San Bernardino to incur a debt for public improvements.

Read first and second times and referred to the Committee on State and County Revenue.

Also, an Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three, in relation to hotel, inn, boarding-house, and lodging-house keepers.

Read first and second times and referred to the Judiciary Committee.

By Mr. Gibbons—An Act to add a new section to the Political Code.

Read first and second times and referred to the Committee on Education.

By Mr. McGarvey—An Act to amend sections three thousand six hundred and seventy-nine and three thousand eight hundred and eighty-seven, and to repeal section three thousand six hundred and seventy-eight, of the Political Code of the State of California.

Also, an Act to repeal sections three thousand eight hundred and twenty-three, three thousand eight hundred and twenty-one, three thousand eight hundred and twenty-two, three thousand eight hundred and twenty-three, three thousand eight hundred and twenty-four, three thousand eight hundred and twenty-five, three thousand eight hundred and twenty-six, three thousand eight hundred and twenty-seven, three thousand eight hundred and twenty-eight, three thousand eight hundred and twenty-nine, and three thousand eight hundred and thirty of the Political Code of the State of California.

Also, an Act to repeal an Act entitled an Act in relation to solvent debts other than those secured by mortgage or other liens, approved March twenty-eighth, eighteen hundred and seventy-four.

Each of the above bills read first and second times and referred to the Judiciary Committee.

By Mr. Turner—An Act to amend section six hundred and twenty-seven of the Penal Code.

Read first and second times and ordered on the general file.

By Mr. Hilborn—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, to amend an Act entitled an Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirteenth, eighteen hundred and seventy-four.

Read first and second times and referred to the Solano delegation.

#### ADJOURNMENT.

At four o'clock and fifteen minutes p. m., on motion of Mr. Lewis, the Senate adjourned.



## IN SENATE.

SENATE CHAMBER,  
Tuesday, February 1st, 1876. }

Senate met pursuant to adjournment.  
President in the chair.  
Roll called, and a quorum present.  
Journal of yesterday read and approved.

## PETITIONS.

Mr. Hill presented a memorial from citizens of Sonoma County, relative to obstructions in navigable streams in Sonoma County.  
Received and referred to the Committee on Commerce and Navigation.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Education have had under consideration Senate Bill No. 247—An Act to legalize the acts of the Board of Education of Placerville School District, and to provide for maintaining schools therein—report the same back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 271—An Act to amend an Act entitled an Act concerning the employment of teachers in the public schools of the Counties of Trinity and Shasta, approved March eighteenth, eighteen hundred and seventy-four—report the same back, and recommend its passage.

TUTTLE, Chairman.

On motion of Mr. Tuttle, the rules were suspended, and the bills above reported taken up and placed on their passage.

Senate Bill No. 247.

Amendments adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 271.

Rules suspended, considered engrossed, read third time, and passed.

By Mr. Craig:

SENATE CHAMBER,  
SACRAMENTO, January 31st, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 224—An Act to amend section four hundred and eight of the Code of Civil Procedure, relative to the issue of summons.

Also, Senate Bill No. 196—An Act to provide for the payment of outstanding claims for the support of public schools in Mendocino County.

Also, Senate Bill No. 204—An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

CRAIG, Chairman.

By Mr. Bush:

MR. PRESIDENT: The Hospital Committee, to whom was referred Assembly Bill No. 261—An Act to authorize E. Barry to remove certain remains of deceased persons—have had the same under consideration, and beg leave to report it back, with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 263—An Act to provide accommodations for the insane of the State of California who may be able to pay therefor, and to provide a special fund for that purpose—and report the same back, and recommend that it do not pass.

BUSH, Chairman.

On motion of Mr. Bush, the rules were suspended, and Assembly Bill No. 261, above reported, taken up and placed on its passage.

Amendment adopted.

Read third time and passed.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Flint:

MR. PRESIDENT: The Monterey delegation, to whom was referred Assembly Bill No. 270—An Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes—have had the same under consideration, and ask leave to report it back, and recommend its passage.

FLINT, for Delegation.

On motion of Mr. Flint, the rules were suspended, and the bill above reported taken up and placed on its passage.

Mr. Tuttle moved to refer the bill to the Judiciary Committee.

Lost.

Subsequently the bill was referred to the Judiciary Committee.

By Mr. Pierson:

MR. PRESIDENT: Your Committee on Standing Rules have had under consideration a resolution concerning a standing joint rule, to be known as Rule No. 23, hereto attached, and respectfully recommend its adoption.

PIERSON, Chairman.

By Mr. Hilborn:

MR. PRESIDENT: The Solano delegation, to whom was referred Senate Bill No. 299, have had the same under consideration, and report it back, with a recommendation that it pass.

HILBORN, for Delegation.

The bill above reported was referred to the Committee on State and County Revenue.

By Mr. Shirley:

MR. PRESIDENT: The Contra Costa and Alameda delegations, to whom was referred Senate Bill No. 135—An Act to amend an Act entitled an Act to abate the squirrel nuisance in certain counties of this State—report the same back, with an amendment, and respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

SHIRLEY, for Delegations.

The bill above reported was referred to the Committee on Agriculture.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rogers—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Tuttle—An Act to provide for the redemption of unused and uncanceled stamps of the State of California heretofore sold.

Read first and second times and referred to the Committee on Finance.

By Mr. Nunan—An Act to maintain a House of Correction, and to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to amend subdivision five of section six hundred and forty-two of the Political Code.

Also, an Act to amend section six hundred and thirty-seven of the Penal Code.

Each of the above bills read first and second times and referred to the Judiciary Committee.

By Mr. Satterwhite—An Act to make the provisions of the Political Code, concerning highways, applicable to San Bernardino County.

Read first and second times and ordered on the general file.

By Mr. O'Connor—An Act to amend section one thousand five hundred and seventy-seven of the Political Code, in relation to the change of boundaries in school districts.

Read first and second times and referred to the Committee on Education.

By Mr. McCoppin—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. Evans (by request)—An Act for the relief of R. M. Wilson.

Read first and second times and referred to the Committee on Claims.

#### GENERAL FILE.

Assembly Concurrent Resolution No. 23—Relative to additional homestead claims for soldiers and sailors.

Read third time and concurred in.

Senate Bills Nos. 243, 248, and substitute for Senate Bills Nos. 23 and 205, passed on file, to retain their marginal order.

Senate Bill No. 222—An Act to amend section seven hundred and two of the Code of Civil Procedure.

Read third time and passed.

Special order, twelve o'clock M. Senate Bills Nos. 2 and 58.

On motion of Mr. Hilborn, the special order was postponed until Friday next, at the same hour.

#### GENERAL FILE RESUMED.

Assembly Bill No. 141—An Act to provide for the construction and completion of certain wagon roads in the County of Humboldt.

Amendment adopted.

Read third time and passed.

Senate Bill No. 109.

On motion of Mr. McCoppin, referred to the Judiciary Committee.

Senate Bill No. 38—An Act to provide for the payment of certain indebtedness incurred by the Directors of the Deaf, Dumb, and Blind Asylum.

Reported from the Committee of the Whole without amendments.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 90—An Act to authorize the Common Council of the City of Los Angeles to pay certain indebtedness created by the former Board of Water Commissioners.

Amendments adopted.

Read third time and passed.

Resolution of Bar Association of San Bernardino County, opposing the frequent changes in the Code.

Mr. Satterwhite offered an amendment.

On motion of Mr. McGarvey, the whole subject matter was laid on the table.

Mr. Nunan asked leave to withdraw, temporarily, two of the bills introduced by him to-day.

So ordered.

Senate Bill No. 146—An Act to amend section four hundred and ninety-seven of the Civil Code, in relation to street railroads.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 29—An Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County.

Read third time and passed.

Senate Bills Nos. 254 and 64 passed on file.

Senate Bill No. 56—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Amendments adopted in Committee of the Whole concurred in.

Mr. Bartlett moved to strike out the tenth subdivision—sixty-five thousand dollars.

Lost.

Rules suspended, considered engrossed, read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Bartlett, Craig, and Nunan, and the bill passed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Farley, Fraser, Hopkins, Howe, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Nunan, Pierson, Roach, Satterwhite, Shirley, Spencer, and Tinnin—18.

NOES—Messrs. Angney, Bartlett, McCune, O'Connor, Rogers, Turner, and Tuttle—7.

Senate Bill No. 223—An Act to provide for the refunding of the debt of the County of Tehama, funded under an Act approved March thirtieth, eighteen hundred and sixty-four.

Amendments adopted.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 94—An Act concerning the office of County Surveyor of the County of Santa Cruz.

Read third time and passed.

Senate Bill No. 203—An Act to authorize and direct the County Treasurer of Tulare County to pay certain orders drawn on him by the Road Commissioners of said county.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 239—An Act to authorize the Board of Education of Vallejo Township, in the County of Solano, to borrow money for school purposes.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No. 24—Relative to the transfer of Indian affairs to the War Department.

Read third time and concurred in.

Assembly Concurrent Resolution No. 7—Relative to the construction of a breakwater at Crescent City, California.

Read third time and concurred in.



Assembly Concurrent Resolution No. 19—Relative to United States Mail Route Number Forty-six Thousand One Hundred and Nine.

Read third time and concurred in.

Assembly Concurrent Resolution No. 14—Relating to tri-weekly mail service from Crescent City, California, to Jacksonville, Oregon.

Read third time and concurred in.

Assembly Concurrent Resolution No. 6—Requesting Representatives in Congress to secure an appropriation for the improvement of the Harbor of San Luis Obispo.

Read third time and concurred in.

Senate Concurrent Resolution No. 2—Asking for an appropriation to improve the Feather, Sacramento, and San Joaquin Rivers.

Amendments adopted.

Rules suspended, considered engrossed, read third time, and adopted. Title amended.

Senate Concurrent Resolution No. 17 passed on file.

Senate Bill No. 44—An Act for the relief of J. J. Conlin.

Referred to the Judiciary Committee.

Senate Bill No. 218—An Act to pay the claim of D. H. Norris, for injuries sustained in the service of the State.

Indefinitely postponed.

Senate Bill No. 219—An Act for the relief of John Jackson, ex-Sheriff and ex officio Tax Collector of Trinity County.

Reported from the Committee of the Whole, with the substitute for the bill adopted, and an amendment thereto.

Substitute and amendment concurred in.

Rules suspended, considered engrossed, and read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Evans, Hilborn, and Lewis, and the bill passed, by a vote as follows:

AYES—Messrs. Beazell, Bush, Craig, Eakin, Farley, Fraser, Hendricks, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McCune, Montgomery, Nunan, O'Connor, Roach, Rogers, Satterwhite, Tinnin, and Tuttle—22.

NOES—Messrs. Anguey, Bartlett, Evans, Gibbons, Hilborn, Hill, Laine, Lindsey, Pierson, Spencer, and Turner—11.

Mr. Bartlett, by leave, introduced a bill as follows: An Act to amend section one thousand five hundred of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

Mr. McCarthy submitted the following reports:

SENATE CHAMBER,  
SACRAMENTO, February 1st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 74—An Act regulating the salaries of certain officers of Tuolumne County—and this first day of February, eighteen hundred and seventy-six, at twelve o'clock and thirty minutes P. M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

SENATE CHAMBER,  
SACRAMENTO, February 1st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 97—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relating to the removal of county seats—and this day, at two o'clock P. M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

## GENERAL FILE RESUMED.

Senate Bill No. 256—An Act to protect sea-gulls in the neighborhood of Santa Monica.

Rules suspended, considered engrossed, read third time, and passed.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
SACRAMENTO, February 1st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Concurrent Resolution No. 25—Relative to appointing a joint committee from the Assembly and Senate to receive proposals and award the contract for translating the laws of this session of the Legislature.

Also, on this date, passed Senate Bill No. 97—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relative to the removal of county seats.

Also, on this date, passed, under suspension of the rules, Senate Bill No. 148—An Act to repeal an Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two, and to repeal certain new sections added to said Act, approved March twenty-eighth, eighteen hundred and seventy-four.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 25, above reported, concurred in.

## ADJOURNMENT.

At three o'clock and twenty-three minutes P. M., on motion of Mr. Fraser, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER, }  
Wednesday, February 2d, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows :

By Mr. Angney :

MR. PRESIDENT: The Finance Committee have had under consideration the following bills: Senate Bill No. 22—An Act to amend the Political Code, relating to salaries—and report the same back, with a recommendation to refer it to the Committee on Retrenchment and Reform.

Also, Senate Bill No. 215—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—and have amended the same, and recommend its passage as amended.

Also, Senate Bill No. 272—An Act to provide for a deficiency in the appropriation for the support of the State Normal School for the twenty-sixth and twenty-seventh fiscal years—and report the same back, with a recommendation that it pass.

Also, Assembly Bill No. 70—An Act entitled an Act making an appropriation for translating into the Spanish language the laws of the twentieth session of the Legislature of the State of California—and return the same, with a recommendation that it pass.

ANGNEY, Chairman.

Senate Bill No. 22, above reported, was referred to the Committee on Retrenchment and Reform.

By Mr. Beazell:

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands have had under consideration Senate Bill No. 229—An Act to extend the time in which Swamp Land District Number One Hundred and Twenty-five shall complete its work of reclamation—report the same back, and recommend its passage.

Also, the supplementary report of the State Board of Tide Land Commissioners—report the same back, and recommend its reference to the Special Committee on Tide Land Investigation.

BEAZELL, Chairman.

The report of the State Board of Tide Land Commissioners was so referred.

By Mr. Nunan:

MR. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Senate Bill No. 299—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, also, to amend an Act entitled an Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirteenth, eighteen hundred and seventy-four, having carefully considered and amended said bill, respectfully report the same back, and recommend its passage as amended.

Also, Senate Bill No. 235—An Act to amend an Act entitled an Act to authorize Chico School District to issue bonds for building purposes, approved March twenty-seventh, eighteen hundred and seventy-four—after carefully considering said bill, framed a substitute therefor, respectfully report the same back, and recommend the passage of the substitute.

Also, Senate Bill No. 210—An Act to amend sections five hundred and sixty-four, five hundred and sixty-six, and five hundred and sixty-seven, of the Political Code, relating to Scales of Weights and Measures—having carefully considered said bill, respectfully report the same back, and recommend that it do not pass.

NUNAN, Chairman.

On motion of Mr. Hendricks, the rules were suspended, and Senate Bill No. 235, above reported, taken up and placed on its passage.

Reported from the Committee of the Whole with a substitute.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Lewis, for the Judiciary Committee, verbally reported Senate Bill No. 250—An Act to provide for the construction of an academy in the County of Tehama.

Rules suspended, the bill taken up, and the Secretary directed to read the bill as printed.

Amendments adopted in the Committee of the Whole concurred in.

Rules suspended, considered engrossed, and read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, Lewis, and McGarvey, and it passed, by a vote as follows:

AYES—Messrs. Beazell, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Hendricks, Hilborn, Hopkins, Lewis, Martin, McCarthy, McGarvey, Montgomery, Nunan, Roach, Rogers, Satterwhite, Shirley, Spencer, and Tinnin—22.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Hill, Lane, Lindsey, McCoppin, McCune, O'Connor, Pierson, and Tuttle—12.

By Mr. Hill:

SENATE CHAMBER. }  
February 2d, 1876. }

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 107—An Act for the protection of quail in the Counties of San Francisco, San Mateo, Contra Costa, Alameda, and Marin—have had the same under consideration, and hereby report the same back, with the recommendation that the bill do not pass.

HILL, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Farley—An Act to amend section eight hundred and forty-three of the Political Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Bartlett—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint and license Public Weighers for said city and county.

Read first and second times and referred to the San Francisco delegation.

By Mr. Donovan—An Act concerning corporations and persons engaged in the business of banking.

Read first and second times and referred to the Committee on Corporations.

By Mr. Roach—An Act to amend section four hundred and ninety-seven of the Civil Code.

Read first and second times and referred to the Judiciary Committee.

#### GENERAL FILE.

Senate Bill No. 243—An Act to add additional sections to the Political Code, approved March twelfth, eighteen hundred and seventy-two.

Amended and ordered engrossed.

Senate Bill No. 248—An Act to provide for a Keeper of the State Capitol and Capitol grounds.

Considered as in Committee of the Whole, and reported with sundry amendments.

On motion of Mr. Gibbons, the bill and amendments were ordered printed, and placed at the bottom of the general file.

Substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Mr. Angney moved that the bill be referred to the Committee on Retrenchment and Reform, with special instructions.

So ordered.

Senate Bill No. 49—An Act to amend the Political Code of the State of California, and other Acts concerning military affairs.

On motion of Mr. Lewis, the bill was made a special order for Tuesday, the eighth instant, at twelve o'clock M.

Senate Bill No. 298—An Act to amend section six hundred and twenty-seven of the Penal Code.

Rules suspended, considered engrossed, read third time, and passed.

Mr. McCarthy submitted a report as follows:



Mr. President: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 148—An Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two, and to repeal certain new sections added to said Act, approved March twenty-eighth, eighteen hundred and seventy-four—and this second day of February, eighteen hundred and seventy-six, at eleven o'clock and thirty minutes A. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

Mr. Laine, Chairman of the Committee on Retrenchment and Reform, verbally reported substitute for Senate Bills Nos. 23 and 205, in accordance with special instructions.

Amendment adopted.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lewis, McCoppin, and Fraser, and it passed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Hilborn, Hill, Laine, Lewis, Lindsey, McCoppin, McEune, Montgomery, Numan, O'Connor, Roach, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—28.

NOES—Messrs. Martin, McCarthy, McGarvey, Pierson, and Rogers—5.

#### GENERAL FILE RESUMED.

Senate Bill No. 263—An Act to provide accommodation for the insane of the State of California who may be able to pay therefor, and to provide a special fund for that purpose.

Indefinitely postponed.

Report of committee on new joint rule, to be numbered twenty-three.

Mr. Martin moved to pass the proposed new joint rule on the file.

Lost.

Mr. Martin offered a substitute, as follows:

Any newspaper that makes use of language in regard to members of the Legislature, during its session, which would be deemed unparliamentary, shall be refused a reporter upon the floor of either House. And any member who makes use of language upon the floor of either House, while in session, in regard to newspapers, which would be deemed unparliamentary if used by one member towards another, or if any member is found reading, while in session, any newspaper that has been refused a reporter under this rule, they shall be arraigned at the bar of their respective House and be reprimanded by the Chairman of the Committee on Public Morals.

On the adoption of the substitute, the ayes and noes were demanded by Messrs. Evans, Laine, and Lewis, and the Senate refused, by a vote as follows:

AYES—Messrs. Martin and Montgomery—2.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Hendricks, Hill, Laine, Lewis, Lindsey, McCarthy, McCoppin, McEune, McGarvey, Numan, O'Connor, Pierson, Roach, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—30.

Mr. McCoppin offered an amendment, as follows: Amend by striking out the word "joint;" strike out "twenty-three," and insert in lieu thereof "fifty-seven;" also, strike out the word "either," in line nine, and insert in lieu thereof the word "this."

Adopted.

The rule, as amended, reads as follows:

*Resolved*, That the following be added to the Standing Rules, as Rule No. 57:

No newspaper that makes use of language in regard to any member of the Legislature, during its session, which would be deemed unparliamentary if used by one member towards another, should be represented upon the floor of this House by a reporter. This rule shall not be construed to prohibit fair comments upon the public acts of members, or the exposure of known official delinquency.

On the adoption of the rule as thus amended, the ayes and noes were demanded by Messrs. O'Connor, Evans, and Gibbons, and the Senate refused, by a vote as follows:

AYES—Messrs. Beazell, Bush, Evans, Fraser, Gibbons, Hendricks, McCarthy, McGarvey, Montgomery, Pierson, Shirley, and Spencer—12.

NOES—Messrs. Angney, Bartlett, Donovan, Eakin, Farley, Flint, Hilborn, Hill, Laine, Lewis, Lindsey, McCoppin, McCune, Numan, O'Connor, Roach, Satterwhite, Tinnin, Turner, and Tuttle—20.

Mr. Lewis gave notice that, on to-morrow, he would move to reconsider the vote by which the Senate refused to adopt the rule.

Mr. Donovan, by leave, introduced a bill as follows: An Act to protect State moneys.

Read first and second times.

Mr. Donovan moved to suspend the rules, to consider the bill engrossed, and place it on its passage.

Mr. McGarvey moved to refer the bill to the Judiciary Committee. So ordered.

The President appointed Messrs. McCoppin, Graves, and Edgerton, the Senate committee called for under Assembly Concurrent Resolution No. 25—In relation to receiving proposals and awarding contract for translating the laws of this session into Spanish.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER. }  
SACRAMENTO, February 2d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February first, passed Assembly Bill No. 169—An Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure.

Also, Senate Bill No. 68—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to the adoption of children.

Also, Senate Bill No. 124—An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal section four hundred and sixty-two of the Penal Code.

Also, amended and passed Senate Bill No. 173—An Act to amend certain sections of the Political Code, relating to the school law.

Also, refused to pass Senate Bill No. 67—An Act to amend sections two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, two thousand four hundred and sixty-eight, and two thousand four hundred and sixty-nine of the Civil Code, in relation to partnerships.

Also, indefinitely postponed Senate Bill No. 95—An Act to amend section seven hundred and ninety-eight of the Political Code, relating to notaries' fees.

Also, that the Speaker appointed, on the part of the Assembly, under Assembly Concurrent Resolution No. 25, Messrs. Harding, Crutcher, and Preston.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 169, above reported, read first and second times and referred to the Judiciary Committee.

Senate Bill No. 173, above reported, referred to the Committee on Education.

#### GENERAL FILE RESUMED.

Senate Bill No. 303—An Act to make the provisions of the Political Code, concerning highways, applicable to San Bernardino County.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bills Nos. 254 and 64 passed on file.

Senate Concurrent Resolution No. 17—In relation to the Presidio Reservation.

Rules suspended, considered engrossed, read third time, and adopted.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, February 2d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 68—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to the adoption of children.

Also, Senate Bill No. 124—An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal section four hundred and sixty-two of the Penal Code.

And this second day of February, eighteen hundred and seventy-six, at two o'clock and thirty minutes P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

#### INTRODUCTION OF BILLS.

By Mr. Tuttle, by leave—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and Acts amendatory thereto.

Read first and second times, and with petitions accompanying the bill, referred to the Committee on Corporations.

By Mr. Laine, from the Committee on Retrenchment—An Act to amend certain sections and to repeal certain sections of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning the salaries of the civil executive officers of the State.

Read first and second times, ordered printed, and to be placed on the general file.

Mr. Rogers, by leave, submitted a report as follows:

MR. PRESIDENT: The Committee on Contingent Expenses, in compliance with a resolution of the Senate, beg leave to submit the following report of the expenses for stationery, etc., of the nineteenth, twentieth, and twenty first sessions of the Legislature, up to and including the last day of January in each session.

GEO. H. ROGERS, Chairman.

#### SESSION OF 1871-2.

*Statement of the amount of stationery, etc., furnished the members of the Legislature, Sergeants-at-Arms, secretaries, clerks, committees, and other attachés, from the opening of the session to and including the 31st day of January, A. D. 1872:*

To the Senate and attachés .....	\$4,035 72
To the Assembly and attachés .....	4,626 28
Total .....	\$8,662 00

NOTE.—The accounts of this session of the Legislature were not kept separate.

## SESSION OF 1873-4.

*Statement of the amount of stationery, etc., furnished the members of the Legislature, Sergeants-at-Arms, secretaries, clerks, committees, and other attachés, from the opening of the session to and including the 31st day of January, A. D. 1874:*

To the Senate	\$1,074 66	
To the attachés	1,537 01	
		\$2,611 67
To the Assembly	\$1,694 24	
To the attachés	1,749 44	
		3,443 68
To the reporters of both Houses		323 82
Grand total		\$6,379 17

## SESSION OF 1875-6.

*Statement of the amount of stationery, etc., furnished the members of the Legislature, Sergeants-at-Arms, secretaries, clerks, committees, and other attachés, from the opening of the session to and including the 31st day of January, A. D. 1876:*

To the Senate	\$736 63	
To the attachés	1,155 20	
		\$1,891 83
To the Assembly	\$1,252 73	
To the attachés	1,090 91	
		2,343 64
To the reporters of both Houses		60 14
Grand total		\$4,295 61

## ADJOURNMENT.

At three o'clock and forty-eight minutes P. M., on motion of Mr. O'Connor, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, February 3d, 1876. }

Senate met pursuant to adjournment.  
President in the chair.  
Roll called, and a quorum present.  
Journal of yesterday read and approved.

## PETITIONS.

Mr. O'Connor presented a petition from citizens of Grass Valley, asking for the passage of a law which will give the school district of Grass Valley seven members of a Board of Education, instead of three Trustees.

Received and referred to the Committee on Education.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:



By Mr. Craig :

SENATE CHAMBER,

SACRAMENTO, February 3d, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 247—An Act to legalize the Acts of the Board of Education of Placerville School District, and to provide for maintaining schools therein.

Also, Senate Bill No. 271—An Act to amend an Act entitled an Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta, approved March eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 38—An Act to provide for the payment of certain indebtedness incurred by the Directors of the Deaf, Dumb, and Blind Asylum.

Also, Senate Bill No. 146—An Act to amend section four hundred and ninety-seven of the Civil Code, in relation to street railroads.

Also, Senate Bill No. 223—An Act to provide for refunding the debt of the County of Tehama, funded under an Act approved March thirtieth, eighteen hundred and sixty-four.

FLINT AND CRAIG, for Committee.

By Mr. Hendricks :

MR. PRESIDENT: The Committee on Mines and Mining Interests, to whom was referred Assembly Concurrent Resolution No. 4—Relative to the survey of mountain grazing lands in this State—report that while the interest and the operation in certain localities might be good, yet we fear the general effect will be at least uncertain, if not dangerous, and respectfully recommend that it do not pass.

HENDRICKS, Chairman.

By Mr. Farley :

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 27—An Act to grant C. F. Leavenworth, and his assigns, the right to supply the inhabitants of the Town of Modesto with pure fresh water—have had the same under consideration, and report the bill back, without recommendation.

Also, Senate Bill No. 121—An Act to incorporate the Town of Ukiah City, in the County of Mendocino—report the same back, with amendments, and most respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 260—An Act to amend an Act entitled an Act to revise an Act entitled an Act to reincorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two, approved February fifth, A. D. eighteen hundred and seventy-four—report the same back, and recommend that it do not pass.

FARLEY, Chairman.

#### REPORT OF SELECT COMMITTEE.

By Mr. Roach :

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 169, have considered the same, and recommend the passage of the bill as amended.

ROACH, Chairman.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,

SACRAMENTO, February 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-eighth, passed Assembly Bill No. 146—An Act for the relief of James H. Clarke.

Also, on January eighteenth, passed Assembly Bill No. 212—An Act to reincorporate the City of Santa Cruz.

Also, on February second, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 298—An Act to authorize the Board of Trustees of the Town of Colusa to construct a branch railroad, and to issue bonds therefor.

Also, that the Assembly, on February second, concurred in Senate amendments to Assembly Bills Nos. 90, 141, and 261.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 298, above reported, read first and second times. By general consent, the rules were suspended, and the bill taken up for consideration.

Reported from the Committee of the Whole without recommendation.

The bill was ordered printed, and referred to the Committee on Corporations.

Assembly Bill No. 212, above reported, read first and second times and referred to the delegation named in the bill.

Assembly Bill No. 146, above reported, read first and second times and referred to the Committee on Claims.

Mr. Martin was granted leave of absence for one day.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Flint—An Act to authorize Isaac E. Davis and others to construct and maintain a wharf at Santa Cruz.

Read first and second times and referred to the Committee on Corporations.

By Mr. Gibbons—An Act to provide for the exemption of the Oakland Fire Department from military and jury duty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hilborn—An Act to amend the Civil Code.

Read first and second times and referred to the Committee on Corporations.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Bartlett gave the following notice: I hereby give notice that I shall, at an early day, introduce an Act to provide for the widening of Dupont street, in the City and County of San Francisco.

## GENERAL FILE.

Senate Bill No. 215—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Amendments adopted in Committee of the Whole concurred in. Amended.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 272—An Act to provide for a deficiency in the appropriation for the support of the State Normal School for the twenty-sixth and twenty-seventh fiscal years.

Considered as in Committee of the Whole.

On motion of Mr. Timmin, the bill was referred to the Committee on Finance, with special instructions to include it in the general deficiency bill.

Assembly Bill No. 70—An Act entitled an Act making an appropriation for translating into the Spanish language the laws of the twentieth session of the Legislature of the State of California.

Considered as in Committee of the Whole.

Mr. Laine moved to recommit the bill to the Committee on Finance, with special instructions to include it in the general deficiency bill.

Lost.

Read third time and passed.

Senate Bill No. 229—An Act to extend the time in which Swamp Land District Number One Hundred and Twenty-five shall complete its work of reclamation.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 299—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two; also, to amend an Act entitled an Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirteenth, eighteen hundred and seventy-four.

Amendment adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 210—An Act to amend sections five hundred and sixty-four, five hundred and sixty-six, and five hundred and sixty-seven of the Political Code, relating to Sealers of Weights and Measures; and

Senate Bill No. 107—An Act for the protection of quail in the Counties of San Francisco, San Mateo, Contra Costa, Alameda, and Marin—

Were each indefinitely postponed.

Senate Bill No. 254—An Act to enable Point Pleasant School District, of Sacramento County, to pay its school teacher.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 64 passed on file.

At twelve o'clock and fifty minutes p. m., on motion of Mr. Lewis, the special orders set for one o'clock p. m. were taken up.

Question on the confirmation of L. Hamilton, as Trustee of the Asylum for the Deaf, Dumb, and Blind.

This special order was postponed until Wednesday next, the ninth instant, at twelve o'clock m.

#### SPECIAL ORDER.

Senate Joint Resolution No. 10—In reference to the change of route of the Southern Pacific Railroad.

Reported from the Committee of the Whole with amendments.

Mr. Pierson offered a substitute for the resolution, and amendments thereto.

Mr. Lewis moved to make the whole subject a special order for Tuesday next, the eighth instant, at twelve o'clock m.

On which the ayes and noes were demanded by Messrs. O'Connor, McCoppin, and McCune, and the motion prevailed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Evans, Farley, Flint, Fraser, Graves, Haymond, Hill, Hopkins, Lewis, McCarthy, McGarvey, Montgomery, Nunan, Pierson, Rogers, Satterwhite, Shirley, and Timm—20.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Gibbons, Hendricks, Hilborn, Howe, Laine, Lindsey, McCoppin, McCune, O'Connor, Roach, Spencer, Turner, and Tuttle—18.

Senate Joint Resolution No. 13 was made a special order for same day and hour.

Mr. Bartlett, by leave, introduced a bill as follows: An Act to regulate fares and the sale of tickets by street railroad companies in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Roach—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City of San Francisco, passed March twenty-eighth, A. D. eighteen hundred and seventy-two.

Read first and second times and referred to the Committee on Hospitals.

On motion of Mr. Haymond, the rules were suspended, and the substitute offered by Mr. Pierson for Senate Joint Resolution No. 10 was ordered printed immediately.

Mr. Craig submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, February 3d, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 56—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, Senate Bill No. 203—An Act to authorize and direct the County Treasurer of Tulare County to pay certain orders drawn on him by the Road Commissioners of said county.

Also, Senate Bill No. 239—An Act to authorize the Board of Education of Vallejo Township, in the County of Solano, to borrow money for school purposes.

Also, Senate Bill No. 219—An Act for the relief of John Jackson, ex-Sheriff and ex officio Tax Collector of Trinity County.

Also, Senate Bill No. 256—An Act to protect sea-gulls in the neighborhood of Santa Monica. Also, Senate Joint Resolution No. 2—Asking for an appropriation to improve the Feather, Sacramento, San Joaquin, and Mokelumne Rivers, and Petaluma and Sonoma Creeks.

CRAIG, for Committee.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
SACRAMENTO, February 3d, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 261—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico.

Also, Senate Bill No. 97—An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relating to removal of county seats.

WILLIAM IRWIN, Governor.

#### ADJOURNMENT.

At three o'clock and fifty-five minutes P. M., on motion of Mr. Pierson, the Senate adjourned.



## IN SENATE.

SENATE CHAMBER.

Friday, February 4th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Messrs. Beazell and Eakin were granted leave of absence for one day.

## PETITIONS.

Mr. Bartlett presented a petition from the Protestant Episcopal Church Home Association of San Francisco, in reference to an appropriation.

Received and referred to the Committee on Finance.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Gibbons:

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 19—Concerning public lands—have had the same under consideration, and beg leave to report the same back, and respectfully recommend its passage.

GIBBONS, Chairman.

By Mr. Craig:

SENATE CHAMBER.

SACRAMENTO, February 4th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 299—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two; also, to amend an Act entitled an Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirteenth, eighteen hundred and seventy-four.

CRAIG, for Committee.

## REPORT OF SELECT COMMITTEE.

By Mr. Graves:

MR. PRESIDENT: The delegation from Ventura County having considered Assembly Bill No. 166—An Act concerning the County Treasurer of Ventura County—report the same back, and recommend its indefinite postponement.

GRAVES, for Delegation.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bartlett—An Act to provide for the widening of Dupont street, in the City and County of San Francisco.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Haymond—An Act to amend section five hundred and forty-nine of the Civil Code.

Read first and second times and referred to the Committee on Corporations.

Also, an Act to prevent goats running at large in the Town of Folsom, County of Sacramento.

Also, an Act to enable the Board of Supervisors of Sacramento County to refund certain moneys.

Each of the above bills read first and second times and referred to the Sacramento County delegation.

By Mr. Evans—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Read first and second times and referred to the Committee on Corporations.

By Mr. McCarthy—An Act for the relief of T. Flynn and B. Burns. Also, an Act for the relief of P. McAtee.

Each of the above bills read first and second times and referred to the San Francisco delegation.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Lindsey, the special order set for to-day, at twelve o'clock M., being Senate Bills Nos. 2 and 58, was postponed until Thursday, the tenth instant, at one o'clock P. M.

Mr. Tuttle, for the Committee on Education, by leave, verbally reported Senate Bill No. 173—An Act to amend certain sections of the Political Code, relating to the school law—recommending that the Senate concur in the Assembly amendments to the bill.

The amendments were concurred in.

Mr. Hill, by leave, submitted the following report:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 71—An Act to prevent certain animals and fowls from running at large within the limits of the Town of Fresno—report the same back, with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

HILL, Chairman.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, |  
SACRAMENTO, February 4th, 1876. |

*To the Senate and Assembly of the State of California:*

It becomes my painful duty to inform your honorable bodies that the Hon. James W. Mandeville, Controller of State, died this day, at eight o'clock and five minutes A. M.

Your honorable bodies will, without doubt, take such measures touching the obsequies of the deceased as his character and his connection with this department of the government render proper.

Yours, respectfully,

WILLIAM IRWIN, Governor.

#### IN MEMORIAM.

Mr. Howe offered a resolution as follows:

*Resolved by the Senate, the Assembly concurring.* That a committee of five Senators be appointed by the President of the Senate, and five members of the Assembly by the Speaker, to make all necessary arrangements for the funeral of the late Controller of State, the Hon. J. W. Mandeville; and that when the two Houses adjourn to-day, to so until Monday next, February seventh, eighteen hundred and seventy-six, at three o'clock P. M.; and that the two Houses attend the funeral in a body, out of respect to the memory of Hon. J. W. Mandeville, deceased.

The resolution was adopted unanimously.

The President appointed, as the committee on the part of the Senate to make all necessary arrangements for the funeral obsequies of the deceased, Messrs. Eakin, Evans, Rogers, Howe, and Timmin.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.

SACRAMENTO, February 4th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February third, passed Assembly Bill No. 103—An Act to amend section one thousand two hundred and forty-one of the Civil Code.

Also, Assembly Bill No. 209—Proposed amendment to the Constitution of the State of California.

Also, on same date, passed Senate Bill No. 183—An Act to amend an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.

Also, Senate Bill No. 157—An Act to amend section three thousand five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office.

Also, amended and passed Senate Bill No. 202—An Act to amend section four thousand one hundred and twenty of the Political Code.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bills Nos. 209 and 103, above reported, each read first and second times and referred to the Judiciary Committee.

Senate Bill No. 202, above reported, Assembly amendments to the bill concurred in.

#### GENERAL FILE.

Senate Bill No. 315 passed on file.

Assembly Concurrent Resolution No. 4—Relative to the survey of mountain grazing lands in this State.

Indefinitely postponed.

Senate Bill No. 169—An Act to establish water rates in the City and County of San Francisco.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 27—An Act to grant to C. F. Leavenworth, and his assigns, the right to supply the inhabitants of the Town of Modesto with pure fresh water.

Amendments adopted in Committee of the Whole concurred in.

Mr. O'Connor moved that the bill be printed and ordered to the head of the general file for Monday next.

Lost.

Read third time and passed.

Mr. Farley, for the delegation, by leave, verbally reported Assembly Bill No. 274—An Act to repeal an Act entitled an Act to incorporate the Town of Sutter Creek, Amador County, approved March thirtieth, eighteen hundred and seventy-four—with amendments, and recommending its passage as amended.

Rules suspended, and the bill taken up and placed on its passage.

Amendments adopted.

Read third time and passed.

Senate Bill No. 121—An Act entitled an Act to incorporate the Town of Ukiah City, in the County of Mendocino.

Amendments adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations.

On motion of Mr. Farley, the bill, with pending amendments, was ordered printed and recommitment to the Judiciary Committee.

Mr. Montgomery, Chairman of the Committee on Mileage, by leave, submitted a report and resolution providing for the pay of mileage for traveling on duty as members of the Committee on Hospitals.

Referred to the Committee on Contingent Expenses.

Mr. Craig submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, February 4th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 235—An Act to amend an Act entitled an Act to authorize Chico School District to issue bonds for building purposes, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 250—An Act to provide for the construction of an academy in the County of Tehama.

Also, Senate Bill No. 243—An Act to add additional sections to the Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 298—An Act to amend section six hundred and twenty-seven of the Penal Code.

Also, Senate Concurrent Resolution No. 17—In relation to the Presidio Reservation.

Also, Senate Bill No. 303—An Act to make the provisions of the Political Code, concerning highways, applicable to San Bernardino County.

CRAIG, for Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced, by consent, as follows:

By Mr. Haymond—An Act to amend sections six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, six hundred and forty-nine, and nine hundred and fifty-six of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

By Mr. McCarthy (by request)—An Act for the relief of Thomas McCloskey.

Read first and second times and referred to the San Francisco delegation.

By Mr. Hilborn—An Act to grant further powers to the Trustees of the City of Benicia.

Read first and second times and referred to the Solano County delegation.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, February 4th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under suspension of the rules, Senate Bill No. 299—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two; also, to amend an Act entitled an Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirteenth, eighteen hundred and seventy-four.

Also, that the Assembly concurred in Senate Joint Resolution No. 21—Relative to the death of Hon. James W. Maudeville, Controller of State—and the Speaker appointed Messrs. Birney, Gelwicks, McConnell, Archer, and Ferral, as committee, in conformity therewith.

O'NEIL, Assistant Clerk.



## GENERAL FILE RESUMED.

Senate Bill No. 260—An Act to amend an Act entitled an Act to revise an Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two, approved February fifth, eighteen hundred and seventy-four.

Indefinitely postponed.

Senate Bill No. 64 passed on file.

Senate Bill No. 248—An Act to provide for a Keeper of the State Capitol and Capitol grounds.

Mr. Hendricks moved to pass the bill on file.

Lost.

On motion of Mr. Haymond, the Senate refused to concur in all the amendments to the bill, excepting the amendment having reference to the State Library.

Amendment adopted.

Ordered engrossed.

## ADJOURNMENT.

At two o'clock P. M., on motion of Mr. Evans, the Senate adjourned: when the President announced that the adjournment extended to Monday, the seventh instant, at three o'clock P. M., under the resolution adopted in reference to the funeral obsequies of the Hon. J. W. Mandeville, deceased.

## IN SENATE.

SENATE CHAMBER.

Monday, February 7th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of Friday last read and approved.

Messrs. Nunan and Rogers were granted leave of absence for one day.

## PETITIONS.

Mr. Satterwhite presented a petition from residents and tax-payers of San Bernardino County, favoring the passage of an Act authorizing the Board of Supervisors of said county to issue bonds for the purpose of connecting the Town of San Bernardino, by railroad, with the Cities of Los Angeles and San Diego.

Received and referred to the Committee on State and County Revenue.

Mr. Angney presented a petition from merchants of Santa Clara County, in reference to the statute of limitations, favoring the extension of the time in which actions may be brought.

Received and referred to the Judiciary Committee.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Pierson:

SENATE CHAMBER,  
SACRAMENTO, February 7th, 1876. }

MR. PRESIDENT: The Committee on the Judiciary, to whom was referred the following bills, herewith report the same back, and recommend their passage, viz:

Senate Bill No. 160—An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure.

Senate Bill No. 185—An Act to amend the Civil Code.

Assembly Bill No. 153—An Act granting power to the Judge of the Municipal Court of the City and County of San Francisco to call in a County Judge to preside under certain circumstances.

Senate Bill No. 242—An Act to amend section one hundred and seventeen of the Code of Civil Procedure.

Senate Bill No. 245—An Act to repeal an Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, Santa Clara, Solano, Sonoma, and Siskiyou Counties from the payment of poll tax, approved March twenty-seventh, eighteen hundred and seventy-four.

Assembly Bill No. 53—An Act regulating certain township offices in the County of Calaveras.

Assembly Bill No. 22—An Act to repeal section one thousand eight hundred and eighty-two of the Code of Civil Procedure.

Assembly Bill No. 162—An Act to add another section to the Penal Code, Chapter II., Title IX., Part I.

Assembly Bill No. 119—An Act to amend section four thousand and twenty-four of the Political Code of the State of California.

Senate Bill No. 251—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure.

The committee also herewith report back the following bills, with the recommendation that they do not pass, viz:

Senate Bill No. 214—An Act to add a new section to the Penal Code, to be numbered section two hundred and fourteen.

Assembly Bill No. 1—An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes—a majority recommending that it do not pass.

Senate Bill No. 236—An Act to prevent the adulteration of food, drinks, and drugs.

Assembly Bill No. 120—An Act to amend section three hundred and ninety-seven of the Penal Code.

Assembly Bill No. 186—An Act to amend section three hundred and ninety-eight of the Penal Code, relative to selling fire-arms to Indians.

Senate Bill No. 249—An Act concerning St. Luke's Hospital Association—a majority recommending that it do not pass.

Senate Bill No. 279—An Act to confirm the sales of certain lands made by the Commissioners appointed under the Act of the Legislature, approved May eighteenth, eighteen hundred and fifty-three, entitled an Act to provide for the sale of the interests of the State of California in the property within the water-line front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one, and the Act supplementary to and amendatory thereof, passed on the first day of May, eighteen hundred and fifty-five, and to release the title of the State to the same—with a recommendation that the bill be indefinitely postponed.

The committee also herewith report back the following bills, with amendments, and recommend the adoption of the amendments, and the passage of the bills as amended, viz:

Senate Bill No. 144—An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles.

Assembly Bill No. 64—An Act to amend section three hundred and ninety-two of the Code of Civil Procedure.

Senate Bill No. 54—An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs.

Also, herewith report back Senate Bill No. 206—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the management and sale of lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight, the Act hereby amended having been approved April fourth, eighteen hundred and seventy—with a substitute therefor, and recommend the adoption and passage of the substitute.

Also, Senate Bill No. 104—An Act to amend section fifty-nine of the Civil Code of the State of California—report the same back, with a substitute, and recommend the adoption and passage of the substitute.

Also, Senate Bill No. 127—An Act to amend sections ninety-two, one hundred and twenty-four, one hundred and forty-six, and one hundred and forty-seven, and to repeal sections one hundred and eighteen, one hundred and nineteen, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, and one hundred and forty-four of the Civil

Code, relating to divorces—report the same back, with amendments, and recommend their adoption, and the passage of the bill as amended.

Also, herewith report back Senate Bill No. 180—An Act to amend section eight hundred and one of the Code of Civil Procedure—with a substitute, but recommend that they do not pass.

Also, Senate Bill No. 252—An Act to amend section one thousand and fifty-five of the Political Code—report the same back, with amendments, and recommend their adoption, and the passage of the bill as amended.

PIERSON, for Committee.

### By Mr. Angney:

MR. PRESIDENT: The Finance Committee have had under consideration Senate Bill No. 175—An Act to amend sections three thousand seven hundred and ninety-nine and three thousand eight hundred and eighty-one of the Political Code, and to exempt the City and County of San Francisco from the provisions of section three thousand eight hundred and two of the same Code—and report the same back, with amendments, but without recommendation.

Also, Senate Bill No. 301—An Act to provide for the redemption of unused and uncanceled stamps of the State of California heretofore sold—and return the same, with an amendment, and recommend the passage of the same as amended.

ANGNEY, for Committee.

Mr. Tinnin, for the Committee on Contingent Expenses, reported favorably sundry accounts, including a total of the expenses of witnesses in the contested election case of *Ward v. Montgomery*, amounting to six hundred and eighty-eight dollars and seventy-five cents.

On motion of Mr. Pierson, the report was recommended to the Committee on Contingent Expenses, with special instructions to submit an itemized account.

### By Mr. Farley:

SACRAMENTO, February 7th, 1876.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 175—An Act to authorize the corporation, the Mayor, and the Common Council of the City of Los Angeles to issue bonds, and to provide means for the improvement of irrigation in said city—have had the same under consideration, and herewith report the bill back, and recommend its passage.

Also, Senate Bill No. 186—An Act in relation to sales and conveyances of the Mutual Real Estate Company—report the same back, and recommend its passage.

Also, Senate Bill No. 125—An Act to add three sections to the Political Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two—report the same back, with amendments, and most respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 197—An Act to amend an Act entitled an Act to incorporate the City of Visalia, and provide for public schools therein, approved February twenty-sixth, eighteen hundred and seventy-four—report the same back, with a recommendation that it pass.

FARLEY, Chairman.

### By Mr. Craig:

SENATE CHAMBER,  
SACRAMENTO, February 4th, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 215—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 229—An Act to extend the time in which Swamp Land District Number One Hundred and Twenty-five shall complete its work of reclamation.

Also, Senate Bill No. 251—An Act to enable Point Pleasant School District, of Sacramento County, to pay its school teacher.

CRAIG, for Committee.

### By Mr. McCarthy:

SENATE CHAMBER,  
SACRAMENTO, February 7th, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 299—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two; also, to amend an Act entitled an Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirteenth, eighteen hundred and seventy-four—and on the fourth day of February, eighteen hundred and seventy-six, at two o'clock p. m., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

SENATE CHAMBER,  
SACRAMENTO, February 7th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 202—An Act to amend section four thousand one hundred and twenty of the Political Code.

Also, Senate Bill No. 183—An Act to amend an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.

And on the seventh day of February, eighteen hundred and seventy-six, at three o'clock p. m., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

#### REPORT OF SELECT COMMITTEE.

By Mr. McCune:

MR. PRESIDENT: Your delegation to whom was referred Senate Bill No. 331—An Act to grant further powers to the Trustees of the City of Benicia—report the same back, and recommend its passage.

McCUNE, for Delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freight on railroads of this State.

Read first and second times and referred to the Committee on Corporations.

By Mr. Bartlett—An Act to amend section three thousand three hundred and eighty-four of the Political Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Martin—An Act to repeal Chapter III., Title VII., of the Political Code, relating to births, marriages, and deaths.

Read first and second times and referred to the Committee on Hospitals.

By Mr. Eakin—An Act for the relief of the widow and family of the late James W. Mandeville, Controller of the State of California.

Read first and second times.

Mr. Haymond moved to suspend the rules, to place the bill on its final passage.

Lost.

On motion of Mr. Pierson, the bill was referred to the Judiciary Committee.

By Mr. Edgerton—An Act authorizing and directing the County Treasurer of the County of Sacramento to pay certain claims against said county.

Read first and second times and referred to the Sacramento delegation.

By Mr. Hendricks (by request)—An Act for the relief of W. S. Safford.

By Mr. Hilborn—An Act to repeal an Act entitled an Act in relation to the taxation of solvent debts other than those secured by mortgages or other liens, approved March twenty-eighth, eighteen hundred and seventy-four.

Each of the above bills read first and second times and referred to the Judiciary Committee.



By Mr. Graves—An Act to amend section two thousand nine hundred and sixteen of the Political Code of this State, relating to wharves.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Flint—An Act to amend certain sections of the Political Code, relative to licenses.

By Mr. Laine—An Act to amend the Civil Code, concerning the mortgage of growing crops.

Each of the above bills read first and second times and referred to the Judiciary Committee.

By Mr. Angney—An Act to amend sections two thousand two hundred and thirty-eight and two thousand two hundred and fifty-six of the Political Code, relating to the Deaf, Dumb, and Blind Asylum.

Read first and second times and referred to the Committee on Hospitals.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Bartlett offered the following:

*Resolved*, That the Special Committee on Retrenchment be instructed to inquire into the whole subject matter of public printing for the State; the cost of paper as compared with similar work done and material previously furnished, together with such facts and data respecting the same as may, in the judgment of said committee, be to the interests of the State to investigate. Also, to inquire into the manner of publication and distribution of the *California Teacher*, Teachers' Registers, and all blanks appertaining in anywise to the office of Superintendent of Public Instruction, and report the same to the Senate. In order to carry out the object of this resolution, said committee are hereby authorized to send for persons and papers, and to employ an expert.

Adopted.

By Mr. Shirley—A joint resolution asking an appropriation to erect a light-house and fog-bell on the Straits of Carquinez.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. McCarthy:

*Resolved*, That the Sergeant-at-Arms be and he is hereby allowed the sum of two dollars per diem from the commencement of the session until its close, payable out of the appropriation for the contingent expenses of the Senate.

Referred to the Committee on Contingent Expenses.

By Mr. McCarthy:

*Resolved*, That the Enrolling Clerk of the Senate be and he is hereby authorized to appoint Joseph R. Beard as Assistant Enrolling Clerk, and that said assistant be paid out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses.

By Mr. Tinnin:

*Resolved*, That the Hon. W. Z. Angney be added to the Committee on Translation.

Rules suspended and the resolution adopted.

#### GENERAL FILE.

Senate Bill No. 243—An Act to add additional sections to the Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read third time and passed.

Mr. Edgerton gave notice that, on to-morrow, he would move to reconsider the vote by which the bill passed.

Senate Concurrent Resolution No. 19—Concerning public lands.

Mr. Edgerton moved to make the resolution a special order for Wednesday next, at twelve o'clock M.

Lost.

Read third time and adopted.

Assembly Bill No. 166—An Act concerning the County Treasurer of Ventura County.

Mr. Graves presented a remonstrance, numerously signed by citizens of Ventura County, opposing the passage of the bill.

The bill was indefinitely postponed.

Assembly Bill No. 71—An Act to prevent certain animals and fowls from running at large within the limits of the Town of Fresno.

Amendments adopted.

Read third time and passed.

Senate Bill No. 315—An Act to amend certain sections and to repeal certain sections of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning salaries of the civil executive officers of the State.

On motion of Mr. Farley, ordered to the head of the general file for Wednesday next.

Senate Bill No. 64 passed on file.

#### ADJOURNMENT.

At four o'clock and twelve minutes P. M., on motion of Mr. Pier-son, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, February 8th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

#### PETITION.

Mr. Angney presented a petition from merchants of Santa Clara County, in reference to the present homestead law, praying that said law may be amended as set forth in the petition.

Received and referred to the Judiciary Committee.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows :

By Mr. Pierson :

SENATE CHAMBER,

SACRAMENTO, February 8th, 1876. ]

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 257—An Act to amend section six hundred and sixty-five of the Code of Civil Procedure;

Also, Senate Bill No. 264—An Act to aid the establishment of a law library in the Town of San Bernardino;

Also, Assembly Bill No. 63—An Act to add another section to the Political Code, relating to the powers and restrictions of the Boards of Supervisors;

And herewith report said bills back, with the recommendation that they do not pass.

Also, Senate Bill No. 273—An Act to establish a State Detective Force, for the better enforcement of the laws—a majority recommending that it do not pass.

Also, Senate Bill No. 270—An Act to add an additional section to the Penal Code, to be designated as section two hundred and fifty-eight—a majority recommending its passage.

Also, Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code—and a majority recommend its passage.

PIERSON, for Committee.

By Mr. Tinnin :

MR. PRESIDENT: The Committee on Contingent Expenses have had under consideration sundry accounts referred to them, and report the following as entitled to payment:

John Breuner, for furniture, etc.	\$44 50
J. G. Davis, for chair cushions	7 00
Pacific Ice Company, for ice	12 50

*Resolved*, That the State Controller is hereby directed to draw his warrants on the Contingent Fund of the Senate for the persons and the amounts above named, and the State Treasurer is hereby directed to pay the same.

TINNIN, for Committee.

The resolution was adopted.

MR. PRESIDENT: In accordance with instructions, the Committee on Contingent Expenses submit the following report as the amount of expenses incurred by J. M. Montgomery, in the contested election of *Ward v. Montgomery*, etc.

In addition to the above, your committee find that J. M. Montgomery will pay the sum of two thousand dollars, counsel fees, in the above case. Each and every item in the above list is sworn to by W. E. Turner, one of the attorneys in the case.

TINNIN, for Committee.

The last named report, embracing the itemized account of such expenses, was ordered on the general file.

By Mr. Turner :

MR. PRESIDENT: The Committee on Education have had under consideration Senate Bill No. 304—An Act to amend section one thousand five hundred and seventy-seven of the Political Code, in relation to change of boundaries of school districts—herewith report the same back, and recommend its passage.

Also, Assembly Bill No. 215—An Act to change the name of Tule River School District, in the County of Tulare, to that of Porterville School District, and to provide for additional school facilities therein—herewith report the same back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

TURNER, for Committee.

Mr. Gibbons verbally reported Assembly Bill No. 184—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer—recommending its reference to the Committee on Corporations.

So ordered.

By Mr. Craig :

SENATE CHAMBER,

SACRAMENTO, February 8th, 1876. ]

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 169—An Act to establish water-rates in the City and County of San Francisco.

Also, Senate Bill No. 121—An Act entitled an Act to incorporate the Town of Ukiah City, in the County of Mendocino.

Also, Senate Bill No. 248—An Act to provide for a Keeper of the Capitol and Capitol grounds.  
CRAIG, for Committee.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, February 8th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-eighth, passed Assembly Bill No. 148—An Act concerning partition fences in Colusa County.

Also, Assembly Bill No. 177—An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento.

Also, Assembly Bill No. 180—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, Assembly Bill No. 202—An Act to authorize the Board of Supervisors of Lake County to levy a tax for road purposes.

Also, Assembly Bill No. 238—An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days.

Also, Assembly Bill No. 239—An Act concerning county officers of Lake County, their fees and salaries.

Also, Assembly Bill No. 244—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and plazas in the said city.

Also, Assembly Bill No. 266—An Act in relation to the Superintendent of Schools of Del Norte County.

Also, Assembly Bill No. 304—An Act to provide for the funding of the levee indebtedness of the City of Marysville.

Also, Assembly Bill No. 305—An Act to amend an Act entitled an Act regulating salaries of certain officers of Mariposa County, approved February seventh, eighteen hundred and seventy-four.

Also, Assembly Bill No. 307—An Act concerning the construction and repairs of levees in the City of Marysville, and the mode of raising revenue therefor.

Also, on January twenty-first, passed Assembly Bill No. 268—An Act concerning roads and highways in the County of Sonoma.

Also, on January twenty-eighth, passed Assembly Concurrent Resolution No. 22—Relative to cheap postage.

Also, on January twenty-seventh, passed Assembly Bill No. 214—An Act in relation to the county officers of Santa Clara County, their fees and salaries.

Also, on January twenty-ninth, passed Assembly Bill No. 230—An Act confirming the action of the Board of Supervisors of the County of Alameda in allowing the claim of N. W. Spaulding.

Also, Assembly Bill No. 280—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 282—An Act to fix the salary and bond of the Assessors of Tulare and Kern Counties.

Also, on January twenty-eighth, passed Assembly Concurrent Resolution No. 9—Relative to tax on native grape brandies.

Also, on January thirty-first, passed Assembly Bill No. 262—An Act to fix the bond of the County Treasurer of Lassen County.

Also, Assembly Bill No. 291—An Act amendatory of an Act entitled an Act to incorporate the Town of Cloverdale, County of Sonoma, approved February twenty-eighth, eighteen hundred and seventy-two.

Also, Assembly Concurrent Resolution No. 26—Relative to the establishment of a mail route from the Town of Susanville, by the way of Horse Lake Valley and the south fork of Pit River, and Dorris Bridge and Davis Creek, to Willows Ranch, in the State of California.

Also, on January thirty-first, passed Assembly Bill No. 231—An Act to protect agriculture, and to prevent the trespassing of animals on private property in the County of San Bernardino.

Also, Assembly Bill No. 241—An Act to amend section three hundred and forty of the Penal Code, relating to pawnbrokers.

Also, Assembly Bill No. 246—An Act to legalize certain proceedings of the Board of Supervisors of Tulare County.

Also, Assembly Bill No. 250—An Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment rendered against said county, in the Sixth Judicial District Court, in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five.

Also, Assembly Bill No. 295—An Act to reincorporate Salinas City.



Also, on February first, passed Assembly Bill No. 314—An Act to provide for funding the indebtedness of Levee District Number Two, of Sutter County.

Also, Assembly Bill No. 315—An Act to define the boundary and provide for the government of Levee District Number Two, in Sutter County.

Also, Assembly Bill No. 338—An Act to repeal an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Also, on February second, passed Assembly Bill No. 296—An Act to authorize the Santa Cruz and Felton Railroad Company to purchase the property and franchises of the San Lorenzo Flume and Transportation Company.

Also, on February third, passed Assembly Bill No. 2—An Act to authorize S. Sally to construct and maintain a ditch to convey water for irrigating, domestic, and other purposes, in San Benito County.

Also, on February seventh, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, substitute for Assembly Bill No. 235—An Act to amend section sixty-eight of the Code of Civil Procedure.

Also, substitute for Assembly Bill No. 285—An Act to fix the compensation of the Assessor of Inyo County.

Also, on February seventh, concurred in Senate amendments to Assembly Bills Nos. 27 and 274.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bills Nos. 295, 177, 202, 238, 239, 244, 266, 304, 305, 307, 268, 230, 280, 282, 262, 291, 231, 250, 314, 315, 338, 296, 235, and 148, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 180, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Concurrent Resolutions Nos. 22, 9, and 26, above reported, each read first and second times and referred to the Committee on Federal Relations.

Assembly Bill No. 241, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 246 and 285, above reported, each read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 2, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 214, above reported, read first and second times.

On motion of Mr. Angney, and by general consent, the bill was placed on its third reading and passage.

Amended.

Read third time and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Eakin—An Act to amend an Act, approved February seventeenth, eighteen hundred and seventy-four, entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Gibbons—An Act to authorize the City of Oakland to construct main sewers.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hilborn—An Act to amend the Political Code.

By Mr. Laine—An Act to amend the Civil Code, concerning liens.

By Mr. Craig—An Act to regulate the rates at which water shall be sold in the City and County of San Francisco.

Each of the above bills read first and second times and referred to the Judiciary Committee.

#### GENERAL FILE.

Senate Bill No. 160—An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 185—An Act to amend the Civil Code.

Pending the discussion, on motion of Mr. Farley, the special order set for twelve o'clock M. was temporarily postponed.

Mr. McGarvey moved to suspend the rules, to consider Senate Bill No. 185 engrossed, and place it on its passage.

Lost.

Mr. Pierson moved to pass the bill on file.

Lost.

The bill was ordered engrossed.

Assembly Bill No. 235, reported from the Assembly to-day, was ordered returned to that body, to correct errors in the history of the bill.

#### SPECIAL ORDERS.

Tuesday, February eighth, eighteen hundred and seventy-six, at twelve o'clock M. Senate Bill No. 49—An Act to amend the Political Code of the State of California, and other Acts concerning military affairs.

On motion of Mr. Edgerton, the above, together with Senate Joint Resolution No. 10—In reference to the change of route of the Southern Pacific Railroad; and Senate Joint Resolution No. 13—Relating to the Atlantic and Pacific Railroad Reserve—were ordered to the head of the general file for to-morrow, and the special orders discharged.

Wednesday, February ninth, eighteen hundred and seventy-six, at one o'clock P. M. Question on confirmation of L. Hamilton, as Trustee of the Asylum for the Deaf, Dumb, and Blind.

On motion of Mr. Haymond, the above special order was postponed until Thursday next at twelve o'clock M.

Thursday, February tenth, eighteen hundred and seventy-six, at one o'clock P. M. Senate Bill No. 2—An Act to provide for calling a convention to revise and change the Constitution of the State of California; and

Senate Bill No. 58—Proposed amendment to the Constitution of the State of California.

On motion of Mr. Haymond, the above special order was postponed until Friday next, at twelve o'clock M.

Mr. Craig, by leave, introduced a bill as follows: An Act to repeal Article IV. of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof

and supplementary thereto, and substituting this Act for said Article IV.

Read first and second times and referred to the San Francisco delegation.

#### ADJOURNMENT.

At twelve o'clock and forty-eight minutes p. m., on motion of Mr. Lewis, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, February 9th, 1876. }

Senate met pursuant to adjournment.  
President pro tem. in the chair.  
Roll called, and a quorum present.  
Journal of yesterday read and approved.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Rogers:

Mr. President: The Committee on Contingent Expenses, to whom was referred the resolution allowing mileage to the Committee on Hospitals, report the same back, and recommend its adoption.

Also, report in favor of the resolution allowing the Sergeant-at-Arms two dollars per day additional.

Also, report that they have obtained from the books of the Controller the following figures:

Contingent expenses of Senate for January, nineteenth session	\$6,362 84
Contingent expenses of Senate for January, twentieth session	2,132 00
Contingent expenses of Senate for January, twenty-first session	4,126 69

Respectfully submitted,

GEORGE H. ROGERS, Chairman.

Mr. Timmin, from the Committee on Contingent Expenses, submitted a resolution recommending the discharge of certain assistant clerks.

The resolution was laid over for one day.

The report of the Committee on Mileage was taken up.

Mr. President: The Committee on Mileage would respectfully report that they find that the following Senators are entitled to the sums set opposite their respective names, as mileage for traveling on duty as members of the Committee on Hospitals, to wit:

Bush	\$91 50
Flint	75 50
Gibbons	60 00
Dorsey	60 00
Martin	18 00

And recommend the adoption of the following resolution.

*Resolved*, That Senator Bush be allowed the sum of ninety-one dollars and fifty cents (\$91.50); Senator Flint, the sum of seventy-three dollars and fifty cents (\$73.50); Senator Gibbons, the sum of sixty dollars (\$60.00); Senator Donovan, the sum of sixty dollars (\$60.00); and Senator Martin, the sum of eighteen dollars (\$18.00); to be paid out of the appropriation for the contingent expenses of the Senate; and that the Controller of State be directed to draw his warrants in their favor for said sums.

J. M. MONTGOMERY, Chairman.

The resolution was adopted.

The following resolution was taken up:

*Resolved*, That the Sergeant-at-Arms be and he is hereby allowed the sum of two dollars per diem from the commencement of the session until its close, payable out of the appropriation for the contingent expenses of the Senate.

Lost.

By Mr. Beazell:

MR. PRESIDENT: Your Committee on Swamp, Overflowed, and Tide Lands have had under consideration Assembly Bill No. 19, and respectfully recommend its passage.

Also, Senate Bill No. 244, and report the same back, with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

BEAZELL, for Committee.

By Mr. Turner:

MR. PRESIDENT: The Committee on Education have considered Senate Bill No. 216—An Act to establish and define the powers and duties of the Board of Education of Grass Valley School District, in the County of Nevada, the said district including the Town of Grass Valley—herewith report the same back, with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

TURNER, for Committee.

Mr. O'Connor moved to reconsider the vote by which the Senate refused to adopt the resolution in reference to pay of the Sergeant-at-Arms.

Carried.

On the adoption of the resolution, the ayes and noes were demanded by the requisite number.

The roll was called, with the following result:

AYES—Messrs. Angnev, Bartlett, Beazell, Bush, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, and Turner—37.

NOES—Mr. Laine—1.

Mr. Laine having previously called attention to Joint Rule No. 20, which requires a unanimous vote to adopt the resolution, the Chair decided that under the rules the resolution was lost.

By Mr. Lewis:

SENATE CHAMBER, )  
SACRAMENTO, February 8th, 1876. )

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 337—An Act for the relief of W. S. Safford—herewith report the same back, and recommend its passage.

Also, Senate Bill No. 44—An Act for the relief of J. J. Conlin—and report the same back; and further report, that there is no constitutional objection to the bill.

Also, Senate Bill No. 240—An Act to amend an Act entitled an Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office, approved March thirtieth, eighteen hundred and seventy-four—report the same back, and recommend its passage.

Also, Assembly Bill No. 68—An Act to create the Twenty-first Judicial District—and herewith report the same back, and recommend its passage.

Also, Senate Bill No. 253—An Act to enable S. D. Smith to bring suit against the State of California—and report the same back, with the recommendation that it do not pass.

Also, herewith report back Senate Bill No. 109—An Act to authorize the widening of Dupont street, in the City of San Francisco; and



Senate Bill No. 322—An Act to provide for the widening of Dupont street, in the City and County of San Francisco—without recommendation.

LEWIS, Chairman.

Mr. Lewis presented a petition from the Board of Supervisors of Tehama County, favoring the passage of Senate Bill No. 240, above reported.

The petition was ordered to go, with the bill, on file.

On motion of Mr. Hendricks, the rules were suspended, and Senate Bill No. 337, above reported, was taken up and placed on its passage.

Rules further suspended, considered engrossed, read third time, and passed.

On motion of Mr. Haymond, the rules were suspended, and Assembly Bill No. 68—An Act to create the Twenty-first Judicial District—above reported, was taken up and placed on its passage.

Read third time.

The roll was called, and the bill passed, by a vote as follows:

AYES—Messrs. Bartlett, Beazell, Bush, Eakin, Edgerton, Evans, Farley, Flint, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Laine, Lewis, Lindsey, Martin, McCarthy, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Shirley, Spencer, Tinnin, Turner, and Tuttle—32.

NOES—Messrs. Angney, Craig, Donovan, Fraser, Howe, McCoppin, and Satterwhite—7.

By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 24—An Act to abate the squirrel nuisance in Stanislaus County, State of California; also, accompanying same a document indorsed "Substitute for Assembly Bill No. 24," etc., without proper certificates, respectfully report the papers to the Senate, and recommend that the same be transmitted to the Assembly, for the purpose of being properly authenticated.

HILL, Chairman.

The bill, with accompanying document, was ordered to the Assembly, in accordance with the request of the committee.

On motion of Mr. Evans, the rules were suspended, and Mr. Bartlett was added to the Committee on Retrenchment and Reform.

Mr. Edgerton, for the Sacramento delegation, verbally reported Senate Bill No. 324—An Act to prevent goats running at large in the Town of Folsom, County of Sacramento—recommending its passage.

Mr. Edgerton moved a suspension of the rules, to take from the general file Senate Bill No. 180—An Act to amend section eight hundred and one of the Code of Civil Procedure—and that it be referred to the Judiciary Committee and printed.

So ordered.

Mr. Haymond moved that the rules be suspended, and the special orders set for to-day, at twelve o'clock M., be postponed until the Senate complete its order of business.

Agreed to.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, February 9th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 157—An Act to amend section three thousand five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office.

Also, Senate Bill No. 173—An Act to amend certain sections of the Political Code, relating to the school law.

And on this ninth day of February, eighteen hundred and seventy-six, at twelve o'clock M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

Mr. Lewis, for the Tehama delegation, verbally reported Assembly Bill No. 148—An Act concerning partition fences in Colusa County—with amendments, recommending the passage of the bill as amended.  
By Mr. Lindsey :

MR. PRESIDENT: The Tulare delegation, to whom was referred Assembly Bill No. 282—An Act to fix the salaries and bonds of the Assessors of the Counties of Tulare and Kern—have had the same under consideration, and respectfully report the same back, with the approval of the delegation, and recommend that the bill be referred to the Committee on State and County Revenue.

LINDSEY, for Delegation.

The bill was so referred.  
By Mr. Beazell :

MR. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 230—An Act confirming the action of the Board of Supervisors of the County of Alameda in allowing the claim of N. W. Spaulding—have had the same under consideration, and respectfully report it back, and recommend its passage.

BEAZELL, for Delegation.

By Mr. Montgomery :

MR. PRESIDENT: The delegation from Mariposa, to whom was referred Assembly Bill No. 305—An Act to amend an Act regulating salaries of certain officers of Mariposa County, approved February seventh, eighteen hundred and seventy-four—have had the same under consideration, and now report it back, and recommend its passage.

MONTGOMERY, for Delegation.

By Mr. Haymond :

MR. PRESIDENT: The Sacramento delegation report Senate Bill No. 179, and recommend that it do not pass.

Also, Senate Bill No. 266—An Act to provide for the improvement of the streets of the City of Sacramento—report the same back, with a substitute, and recommend the passage of the substitute.

EDGERTON,  
HAYMOND.

Subsequently, on motion of Mr. Edgerton, the rules were suspended, and Senate Bill No. 266, above reported, was taken up.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

By Mr. Flint :

MR. PRESIDENT: The Santa Cruz delegation, to whom was referred Assembly Bill No. 296—An Act to authorize the Santa Cruz and Felton Railroad Company to purchase the property and franchises of the San Lorenzo Flume and Transportation Company—having had the same under consideration, ask leave to report it back, and recommend its passage.

Also, have had under consideration Assembly Bill No. 212—An Act to reincorporate the City of Santa Cruz—and ask leave to report it back, recommending its passage.

FLINT, for Delegation.

The bills above reported were referred to the Committee on Corporations.

The resolution offered by Mr. Tinnin, and adopted on Monday last, adding another member to the Committee on Translations, was rescinded, on motion of Mr. Edgerton.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, February 9th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February eighth, amended and passed Senate Bill No. 181—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over.

Also, amended and passed Senate Bill No. 166—An Act to amend section five hundred and fifty-nine of the Code of Civil Procedure, relating to the release of attachments on real property.

Also, passed Senate Bill No. 241—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society in the Township of Oakland, Alameda County.

Also, Senate Bill No. 201—An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 59—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

Also, Assembly Bill No. 40—An Act to provide for the care and maintenance of inebriates in the City and County of San Francisco.

Also, Assembly Bill No. 223—An Act to amend section five hundred and thirty-six of the Civil Code, in relation to telegraph corporations.

Also, Assembly Bill No. 111—An Act to amend sections eight hundred and sixty, eight hundred and seventy-two, eight hundred and seventy-eight, and one thousand three hundred and twenty-three of the Penal Code.

Also, Assembly Bill No. 126—An Act to amend section six hundred and twenty-eight of the Penal Code.

Also, Assembly Bill No. 115—An Act to amend sections two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and six, and two thousand seven hundred and seven of the Political Code.

Also, Assembly Bill No. 25—An Act to provide for the future management of the Napa State Asylum for the Insane.

Also, Assembly Bill No. 104—An Act to amend section one hundred and thirty-seven of the Civil Code.

Also, Assembly Bill No. 8—An Act to repeal so much of the Political Code as creates a State Board of Equalization, and for other purposes.

Also, Assembly Bill No. 263—An Act amendatory of an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same, approved March thirteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 133—An Act to amend an Act entitled an Act concerning lawful and partition fences in Modoc County.

Also, Senate Bill No. 159—An Act to amend section one thousand two hundred and seventy-three of the Penal Code.

Also, refused to pass Senate Bill No. 128—An Act to amend section nine hundred and forty-six of the Code of Civil Procedure, in relation to appeals.

Also, passed Senate Bill No. 204—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure.

Also, Senate Bill No. 98—An Act to amend section three thousand seven hundred and eighty-five of the Political Code of the State of California.

Also, Senate Bill No. 224—An Act to amend section four hundred and eight of the Code of Civil Procedure, relative to the issue of summons.

Also, Senate Bill No. 222—An Act to amend section seven hundred and two of the Code of Civil Procedure.

Also, Senate Bill No. 220—An Act to add a new section to the Penal Code, in relation to false weights and measures.

Also, Senate Bill No. 247—An Act to legalize the acts of the Board of Education of Placerville School District, and to provide for maintaining schools therein.

Also, Senate Bill No. 267—An Act to enable the Board of Trustees of the City of Sacramento to pay certain indebtedness contracted for street repairs in said city.

Also, amended and passed Senate Bill No. 108—An Act to establish and maintain a training-ship in the City and County of San Francisco.

Also, passed Senate Bill No. 203—An Act to authorize and direct the County Treasurer of Tulare County to pay certain orders drawn on him by the Road Commissioners of said county.

Also, Assembly Bill No. 185—An Act to repeal section three hundred of the Penal Code, relative to transacting business on Sunday.

Also, concurred in Senate amendments to Assembly Bill No. 214.

Also, concurred in Senate amendment to Assembly Bill No. 71.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 108, above reported, with Assembly amendments.  
Mr. McCoppin moved to refer the bill to the San Francisco delegation.

Lost.

Assembly amendments to the bill concurred in.

Senate Bills Nos. 181 and 166, above reported, with Assembly amendments, were referred to the Judiciary Committee.

Assembly Bill No. 59, above reported, read first and second times and referred to the Committee on Federal Relations.

Assembly Bill No. 40, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bills Nos. 223, 111, 126, 115, and 104, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 25, above reported, read first and second times and referred to the Committee on Hospitals.

Assembly Bill No. 8, above reported, read first and second times and referred to the Committee on Retrenchment.

Assembly Bills Nos. 263 and 133, above reported, read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 185, above reported, read first and second times and referred to the Committee on Public Morals.

#### GENERAL FILE.

Senate Bill No. 49—An Act to amend the Political Code of the State of California, and other Acts concerning military affairs.

Considered in Committee of the Whole.

Reported to the Senate with sundry amendments pending.

Mr. Lewis moved to indefinitely postpone the whole subject under consideration.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Donovan, Edgerton, Evans, Fraser, Gibbons, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, Numan, Pierson, Roach, Rogers, and Spencer—18.

NOES—Messrs. Anguey, Bartlett, Beazell, Bush, Eakin, Farley, Graves, Haymond, Hendricks, Hill, Laine, Lindsey, McCune, McGarvey, Montgomery, O'Connor, Satterwhite, Shirley, Tinnin, Turner, and Tuttle—21.

Mr. Edgerton offered an amendment: "That the Staff of the Adjutant-General consist of one Aid-de-Camp, with the rank of Captain, and one Orderly, with the rank of Sergeant-Major, appointed by him, and holding office at his pleasure," etc.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Edgerton, Evans, Flint, Fraser, Gibbons, Hendricks, Hilborn, Hopkins, Lewis, Martin, McGarvey, Roach, and Spencer—13.

NOES—Messrs. Anguey, Bartlett, Beazell, Bush, Craig, Donovan, Eakin, Farley, Graves, Haymond, Hill, Howe, Laine, Lindsey, McCarthy, McCoppin, McCune, Montgomery, Numan, O'Connor, Pierson, Rogers, Satterwhite, Shirley, Tinnin, Turner, and Tuttle—27.

On the adoption of the substitute offered by Mr. Laine in the Committee of the Whole to section eight, amending sections two thousand and ninety-four and two thousand and ninety-nine, the ayes and noes were demanded by the requisite number, and the Senate refused to adopt the substitute, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Beazell, Bush, Eakin, Farley, Graves, Hendricks, Hill, Laine, Lindsey, McCune, McGarvey, Montgomery, O'Connor, Satterwhite, Shirley, Tinnin, Turner, and Tuttle—20.

NOES—Messrs. Craig, Donovan, Edgerton, Evans, Flint, Fraser, Gibbons, Haymond, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, Numan, Pierson, Roach, Rogers, and Spencer—20.

Mr. Haymond moved to indefinitely postpone the whole subject-matter.



On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Donovan, Edgerton, Evans, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, Metcalvey, Numan, Pierson, Rouch, Rogers, and Spencer—23.

NOES—Messrs. Angley, Bartlett, Bush, Eakin, Farley, Graves, Hill, Laine, Lindsey, McCune, Montgomery, O'Connor, Satterwhite, Shirley, Tinnin, Turner, and Tuttle—17.

#### ADJOURNMENT.

At four o'clock and twelve minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Thursday, February 10th, 1876. }

Senate met pursuant to adjournment.  
President pro tem. in the chair.  
Roll called, and a quorum present.  
Journal of yesterday read and approved.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Craig:

SENATE CHAMBER,  
SACRAMENTO, February 10th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 160—An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure.

Also, Senate Concurrent Resolution No. 19—Concerning public lands.

Also, Senate Bill No. 185—An Act to amend the Civil Code.

Also, Senate Bill No. 337—An Act for the relief of W. S. Safford.

(CRAIG, for Committee.

Mr. O'Connor, for the Committee on Claims, verbally reported Assembly Bill No. 146—An Act for the relief of James H. Clark—requesting its reference to the San Francisco delegation.

The bill was so referred.

#### REPORTS OF SELECT COMMITTEES.

Mr. Edgerton, for the Sacramento delegation, verbally reported Senate Bill No. 325—An Act to enable the Board of Supervisors of Sacramento County to refund certain moneys—recommending its passage.

Rules suspended, and the bill above reported taken up and placed on its passage.

Rules further suspended, considered engrossed, read third time, and passed.

By Mr. Flint:

MR. PRESIDENT: The Monterey delegation, to whom was referred Assembly Bill No. 295—An Act to reincorporate Salinas City—having had the same under consideration, ask leave to report it back, and recommend its passage.

FLINT, for Delegation.

The bill above reported was referred to the Committee on Corporations.

By Mr. Spencer:

MR. PRESIDENT: The Yuba delegation, to whom was referred Assembly Bill No. 304—An Act to provide for the funding of the levee indebtedness of the City of Marysville—having had the same under consideration, would respectfully report it back, and recommend its passage.

SPENCER, for Delegation.

Rules suspended, and the bill above reported taken up and placed on its passage.

Rules further suspended, considered engrossed, read third time, and passed.

By Mr. Roach:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 25, introduced by Senator Pierson, have considered the same, and have prepared a substitute therefor, and recommend its passage.

They have also considered Senate Bill No. 321, introduced by Senator Bartlett, and recommend the passage of the bill.

ROACH, Chairman.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, February 9th, 1876. )

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 40—An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to the State, approved March twenty-eighth, eighteen hundred and seventy-four.

Also, Senate Bill No. 29—An Act to add an additional section to the Code of Civil Procedure.

Also, Senate Bill No. 89—An Act to abolish the State Board of Tide Land Commissioners, and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code.

Also, Senate Bill No. 299—An Act to amend an Act entitled an Act to incorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two; also, to amend an Act entitled an Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirteenth, eighteen hundred and seventy-four.

WILLIAM IRWIN, Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Haymond—An Act to amend section six hundred and twenty-eight of the Penal Code.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Edgerton—An Act to amend an Act entitled an Act relating to streets and roads in the City and County of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four.

Read first and second times and referred to the Sacramento delegation.

By Mr. O'Connor—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Beazell—An Act to incorporate the Town of Hayward.

Read first and second times and referred to the Committee on Corporations.

By Mr. Tinnin—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

By Mr. Howe—An Act for the relief of Patrick Donahue.

Read first and second times and referred to the San Francisco delegation.

By Mr. Donovan—An Act to open and establish a public street in the City and County of San Francisco, to be called Seventh street; to take private lands therefor, and to grade, macadamize, and improve a portion of Seventh street, and construct a bridge.

Read first and second times and referred to the San Francisco delegation, with the accompanying memorial.

Also, an Act for the relief of Peter Connally.

Read first and second times and referred to the San Francisco delegation, with the accompanying certificate.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Lewis offered a concurrent resolution as follows:

*Resolved by the Senate, the Assembly concurring.* That the Legislature adjourn *seno die* on Monday, the thirteenth day of March.

Adopted.

Mr. Tinnin called up the resolution offered by him on yesterday, as follows:

*Resolved.* That after this day the Copying Clerks be directed to discharge two assistant clerks: the Engrossing Clerk, two assistant clerks: the Committee on Hospitals, one clerk: the Committee on Public Buildings, one clerk: the Committee on State Prison, one clerk.

Mr. Tinnin offered an amendment, by striking out the words "the Committee on State Prison."

By general consent, the words "the Committee on Hospitals, one clerk," were stricken out, upon the announcement by Mr. Bush that said committee had discharged their clerk two weeks ago, when they had no further use for one.

Mr. Lewis moved to indefinitely postpone the resolution.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Bartlett, Beazell, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hopkins, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Niman, Pierson, Roach, and Spencer—25.

NOES—Messrs. Anguey, Bush, Hill, Howe, Laine, Lindsey, McCune, O'Connor, Rogers, Satterwhite, Shirley, Tinnin, Turner, and Tuttle—14.

[Mr. Tinnin in the chair.]

## GENERAL FILE.

Senate Joint Resolution No. 10—In reference to the change of route of the Southern Pacific Railroad.

During the discussion, on motion of Mr. Lewis, the special order set for one o'clock P. M., being action on the appointment of L. Hamilton, as Trustee of the Deaf, Dumb, and Blind Asylum, was postponed until Thursday, the seventeenth instant, at one o'clock P. M.

[President pro tem. in the chair.]

Mr. Edgerton moved to postpone further consideration of the subject until to-morrow, and that the resolutions be ordered at the head of the file for to-morrow.

Lost.

On motion of Mr. Evans, the resolutions were ordered to the head of the general file for to-morrow, the eleventh instant.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Rogers—An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles.

Read first and second times and referred to the Judiciary Committee.

By Mr. Donovan—An Act to amend section six hundred and ninety of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

By Mr. McCarthy (by request)—An Act for the relief of Patrick Creighton.

Read first and second times and referred to the San Francisco delegation.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER, }  
SACRAMENTO, February 10th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 241—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate, belonging to said society, in the Township of Oakland, County of Alameda.

Also, Senate Bill No. 201—An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

Also, Senate Bill No. 159—An Act to amend section one thousand two hundred and seventy-three of the Penal Code.

Also, Senate Bill No. 204—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure.

Also, Senate Bill No. 98—An Act to amend section three thousand seven hundred and eighty-five of the Political Code of the State of California.

Also, Senate Bill No. 224—An Act to amend section four hundred and eight of the Code of Civil Procedure, relative to the issue of summons.

And on this tenth day of February, eighteen hundred and seventy-six, at twelve o'clock M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

On motion of Mr. McCoppin, the rules were suspended, and Senate Bill No. 279 was taken from the general file and referred to the Judiciary Committee.

## ASSEMBLY MESSAGES.

The following messages were received from the Assembly:



## ASSEMBLY CHAMBER,

SACRAMENTO, February 10th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-eighth, passed Assembly Bill No. 287—An Act to authorize the Board of Supervisors of Santa Barbara County to build a jail and hospital in said county, and to issue bonds of said county for the construction thereof, and to provide for the payment of the same.

Also, on January twenty-ninth, passed Assembly Bill No. 102—An Act in relation to boundary fences, and the trespass of animals in the County of San Mateo.

Also, on January thirty-first, passed Assembly Concurrent Resolution No. 27—Relative to the establishment of a mail route, and ordinary service thereon, from Winnemucca, in the State of Nevada, by way of Varyville, to Lake City, California.

Also, on February third, passed Assembly Bill No. 102—An Act for the payment of certain claims against the State of California.

Also, Assembly Bill No. 215—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in Marysville Township, Yuba County.

Also, Assembly Bill No. 233—An Act to repeal section six hundred and eighty-four of the Political Code, relating to the salary of the State Board of Examiners.

And return, properly authenticated, substitute for Assembly Bill No. 24.

O'NEIL, Assistant Clerk.

## ASSEMBLY CHAMBER,

SACRAMENTO, February 10th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February seventh, passed Assembly Bill No. 58—An Act concerning roads in the County of Humboldt.

Also, on same date, passed Assembly Bill No. 347—An Act providing for the transfer of certain Court papers from Santa Barbara County to Ventura County.

Also, on February eighth, passed Assembly Bill No. 367—An Act to amend section two hundred and four of the Code of Civil Procedure.

Also, on February eighth, passed Assembly Bill No. 375—An Act to amend section sixty-eight of the Code of Civil Procedure.

Also, on this date, passed Assembly Bill No. 80—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure.

Also, Assembly Bill No. 205—An Act to amend section one thousand seven hundred and fifty-one of the Political Code.

Also, Assembly Bill No. 147—An Act to amend section one thousand seven hundred and fifty of the Political Code.

Also, on this date, passed, under suspension of the rules, Senate Concurrent Resolution No. 19—Concerning public lands.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 205 and 147, above reported, each read first and second times and referred to the Committee on Education.

Assembly Bills Nos. 80, 375, 367, and 233, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 343, 287, 201, 58, and 215, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 102, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Concurrent Resolution No. 27, above reported, read first and second times and referred to the Committee on Federal Relations.

Mr. McCoppin gave notice that, on to-morrow, he would move to reconsider the vote by which the resolution to adjourn *sine die* was adopted.

Mr. Edgerton, by leave, offered the following:

*Resolved*, That the Assembly be requested to return to the Senate Senate Concurrent Resolution No. 24—Relative to the adjournment of the Legislature *sine die*—the same having been transmitted to the Assembly by mistake and out of order.

Adopted.

On motion of Mr. Edgerton, the rules were suspended, and the resolution ordered transmitted to the Assembly immediately.

#### ADJOURNMENT.

At four o'clock and seven minutes P. M., on motion of Mr. Fraser, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Friday, February 11th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

#### REPORT OF STANDING COMMITTEE.

Mr. Beazell, for the Committee on Swamp and Overflowed Lands, verbally reported Assembly Bill No. 102—An Act for the payment of certain claims against the State—requesting its reference to the Committee on Claims.

The bill was so referred.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Graves:

MR. PRESIDENT: The delegation from Santa Barbara, to whom was referred Assembly Bill No. 197—An Act concerning the office of County Clerk of Santa Barbara County—report the same back, with approval, and recommend that the same be referred to the Committee on State and County Revenue.

GRAVES, for Delegation.

The bill was so referred.

Mr. Satterwhite, for the San Bernardino delegation, verbally reported Assembly Bill No. 59—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States—recommending its passage, and that the bill be referred to the Committee on Commerce and Navigation.

The bill was so referred.

By Mr. Beazell:

MR. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 244—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and plazas in said city—have had the same under consideration, and report it back, and respectfully recommend that it do not pass.

GIBBONS AND BEAZELL, Delegation.

MR. PRESIDENT: The Alameda delegation, to whom was referred Senate Bill No. 212—An Act to regulate fees in the County of Alameda—have had the same under consideration, and respectfully report the same back, with amendments, and recommend its passage as amended.

BEAZELL, for Delegation.

On motion of Mr. Beazell, the rules were suspended, and the bills above reported taken up and placed on their passage.

Senate Bill No. 212.

Amendments adopted.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 244 was indefinitely postponed.

By Mr. Hill:

MR. PRESIDENT: The delegation have considered Assembly Bill No. 291—An Act amendatory of an Act entitled an Act to incorporate the Town of Cloverdale, County of Sonoma, approved February twenty-eighth, eighteen hundred and seventy-two—report the same back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

HILL, for Delegation.

Rules suspended, and the bill above reported taken up for consideration.

Amendments adopted.

Read third time and passed.

Mr. McGarvey, for the Humboldt delegation, reported Assembly Bill No. 58—An Act concerning roads in the County of Humboldt—recommending its reference to the Judiciary Committee.

The bill was so referred.

By Mr. Spencer:

MR. PRESIDENT: The Yuba and Sutter delegation, to whom was referred Assembly Bill No. 307—An Act concerning the construction and repair of levees in the City of Marysville, and the mode of raising revenue therefor;

Also, Assembly Bill No. 314—An Act to provide for funding the indebtedness of Levee District Number Two, of Sutter County;

Also, Assembly Bill No. 315—An Act to define the boundary and provide for the government of Levee District Number Two, of Sutter County;

Having had said bills under consideration, would herewith respectfully report them back, and recommend their passage.

SPENCER, for Delegation.

The bills above reported were referred to the Committee on Agriculture.

By Mr. Flint:

MR. PRESIDENT: The San Benito delegation, to whom was referred Assembly Bill No. 126—An Act to amend section six hundred and twenty-eight of the Penal Code—ask leave to report the same back, with the recommendation that it be referred to the Committee on Agriculture.

FLINT, for Delegation.

The bill was so referred.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.

SACRAMENTO, February 11th, 1876. )

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February tenth, passed Assembly Bill No. 34—An Act for the relief of San Benito County.

Also, Assembly Bill No. 312—An Act to reincorporate the City of Marysville.

Also, Senate Bill No. 303—An Act to make the provisions of the Political Code, concerning highways, applicable to San Bernardino County.

Also, Senate Bill No. 239—An Act to authorize the Board of Education of Vallejo Township, in the County of Solano, to borrow money for school purposes.

Also, Senate Bill No. 298—An Act to amend section six hundred and twenty-seven of the Penal Code.

Also, Senate Bill No. 235—An Act to amend an Act entitled an Act to authorize Chico School District to issue bonds for building purposes, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, passed substitute for Senate Bill No. 94—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of lands for taxes.

Also, refused to pass Senate Bill No. 228—An Act to amend section two hundred and forty-nine of the Penal Code.

Also, indefinitely postponed Senate Concurrent Resolution No. 12—Concerning the granting of homesteads to soldiers and sailors, their widows and orphans.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 312, above reported, read first and second times and referred to the Yuba County delegation.

Assembly Bill No. 34, above reported, read first and second times and referred to the Committee on Claims.

Senate Bill No. 94, above reported from the Assembly with a substitute for the bill.

On motion of Mr. Turner, the bill, with substitute, was referred to the Judiciary Committee, and ordered printed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Satterwhite—An Act concerning the salary of the District Attorney of San Bernardino County.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Hill (for Mr. Tuttle)—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times and referred to the Committee on Finance.

By Mr. Craig—An Act entitled an Act to amend section seven hundred and ninety-one of the Political Code, with reference to Notaries Public.

Read first and second times and referred to the San Francisco delegation.

By Mr. Nunan—An Act to provide homes for homeless children in the City and County of San Francisco.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. Haymond—An Act to empower the Board of Trustees of the City of Sacramento to authorize the Sacramento City Railway Company to lay down and operate its road on and near the west side of Tenth street, in said city, from R to Y streets.

Read first and second times and referred to the Sacramento delegation.

By Mr. Nunan—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Evans submitted a new rule, as follows:

##### RULE No. 57.

No bill or resolution, after its final passage or adoption by the Senate, shall be reported to the Assembly until the next day after its passage or adoption, unless by order of the Senate.



Referred to the Committee on Rules.

By Mr. Beazell—A joint resolution concerning Oakland Harbor.

Read first and second times and referred to the Committee on Federal Relations.

Mr. Craig, by leave, withdrew from further consideration of the Senate Senate Bill No. 114—An Act to open and establish a public street in the City and County of San Francisco, to be called Western Avenue, and to take private lands therefor.

Mr. Edgerton moved to reconsider the vote by which the Senate, on yesterday, adopted a concurrent resolution in reference to adjourning the Legislature *sine die* on the thirteenth day of March.

On motion of Mr. Edgerton, the consideration of the motion to reconsider the vote was made a special order for Tuesday, the fifteenth instant, at twelve o'clock M.

#### GENERAL FILE.

Senate Joint Resolution No. 10—In reference to the change of route of the Southern Pacific Railroad.

At twelve o'clock M., on motion of Mr. Haymond, the special order set for this hour—being Senate Bills Nos. 2 and 58, in reference to calling a Constitutional Convention; also, proposed amendments to the Constitution of this State—was postponed until Friday, the eighteenth instant, at twelve o'clock M.

Senate Joint Resolution No. 10 continued.

On the question of adopting the substitute offered by Mr. Pierson for the resolution, the ayes and noes were demanded by Messrs. Evans, Fraser, and Lindsey, and it was adopted, by a vote as follows:

AYES—Messrs. Craig, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Graves, Haymond, Hopkins, Howe, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Numan, Pierson, Satterwhite, and Shirley—20.

NOES—Messrs. Anguey, Bartlett, Beazell, Bush, Eakin, Hendricks, Hilborn, Hill, Laine, Lindsey, Martin, McCune, O'Connor, Roach, Spencer, Timm, Turner, and Tuttle—18.

Mr. Hilborn moved to indefinitely postpone the whole subject-matter.

On which the ayes and noes were demanded by Messrs. McCoppin, Donovan, and Hilborn, and the motion prevailed, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Beazell, Bush, Craig, Eakin, Edgerton, Farley, Flint, Graves, Haymond, Hilborn, Hopkins, Laine, Lindsey, McCune, Montgomery, O'Connor, Timm, Turner, and Tuttle—21.

NOES—Messrs. Donovan, Evans, Fraser, Hendricks, Hill, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Numan, Pierson, Roach, Satterwhite, Shirley, and Spencer—17.

Mr. Farley gave notice of a motion to reconsider the vote by which the Senate indefinitely postponed the whole subject-matter.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, February 11th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 222—An Act to amend section seven hundred and two of the Code of Civil Procedure.

Also, Senate Bill No. 220—An Act to add a new section to the Penal Code, in relation to false weights and measures.

And on this eleventh day of February, eighteen hundred and seventy-six, at twelve o'clock and thirty minutes P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

Mr. Craig, by leave, offered a resolution as follows:

*Resolved*, That the Engrossing Clerk of the Senate be and he is hereby authorized to correct an error in Senate Bill No. 247, by renumbering the sections from section twelve to section twenty.

The Engrossing Committee recommend the adoption of this resolution.

CRAIG, Chairman.

The resolution was adopted.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, )  
SACRAMENTO, February 11th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February eighth, passed Assembly Bill No. 303—An Act to amend section one thousand one hundred and eleven of the Code of Civil Procedure.

Also, Assembly Bill No. 325—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc.

Also, Assembly Bill No. 373—An Act to provide for the payment of claims against the City of Santa Cruz.

Also, on February ninth, passed Assembly Bill No. 381—An Act in relation to the office of Coroner of the County of Santa Cruz.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bills Nos. 325 and 303, above reported, were each read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 373 and 381, above reported, were each read first and second times and referred to the delegations named in the bills.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, February 11th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 68—An Act to amend section two hundred and twenty-six of the Civil Code, in regard to the adoption of children.

Also, Senate Bill No. 124—An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal section four hundred and sixty-two of the Penal Code.

Also, Senate Bill No. 157—An Act to amend section three thousand five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office.

Also, Senate Bill No. 183—An Act to amend an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.

Also, Senate Bill No. 202—An Act to amend section four thousand one hundred and twenty of the Political Code.

Also, Senate Bill No. 74—An Act regulating the salaries of certain officers in Tuolumne County.

WILLIAM IRWIN, Governor.

#### ADJOURNMENT.

At three o'clock and five minutes P. M., Mr. Rogers moved to adjourn.

Lost.

At three o'clock and seven minutes P. M., on motion of Mr. Evans, the Senate adjourned until Monday, the fourteenth instant, at three o'clock P. M.

## IN SENATE.

SENATE CHAMBER,  
Monday, February 14th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of Friday last read and approved.

Mr. Haymond, by leave, offered a resolution as follows:

*Resolved*, That the Engrossing Clerk be authorized to correct Senate Bill No. 266—An Act to provide for the improvement of the streets of the City of Sacramento—by striking out the words "or tracks, and the space between their tracks;" in line twenty-three of section four of said bill.

Adopted.

Mr. Tuttle, by leave, offered the following:

*Resolved by the Senate, the Assembly concurring*, That the Enrolling Clerk of the Senate be and he is hereby authorized to correct a clerical error and renumber the sections of Senate Bill No. 108, in order that the same may read in consecutive order.

Adopted.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Lewis:

SENATE CHAMBER,  
SACRAMENTO, February 14th, 1876. }

MR. PRESIDENT: Your Committee on the Judiciary, to whom was referred Senate Bill No. 335—An Act for the relief of the widow and family of the late James W. Mandeville, Controller of the State of California—herewith report the same back, and recommend its passage.

Also, Assembly Bill No. 39—An Act to exempt certain persons from the payment of poll tax—and report the same back, with a recommendation that it do not pass.

Also, Senate Bill No. 292—An Act to add two more sections to the Civil Code, to be numbered sections five hundred and fifty-two and five hundred and fifty-three—report the same back, with amendments, and recommend its passage as amended.

Also, Senate Bill No. 99—An Act granting relief to delinquent tax-payers whose lands have been sold to the State—which, together with a substitute therefor, have been duly considered by the committee, and are herewith reported back, with an amendment to the substitute, and the committee recommend the adoption and passage of the substitute as amended.

Also, Assembly Bill No. 270—An Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes—and a majority of the committee recommend that it do not pass.

Also, Senate Bill No. 307—An Act to amend subdivision five of section six hundred and forty-two of the Political Code—and recommend that it be referred to the Committee on Fish and Fisheries.

Also, Senate Bill No. 308—An Act to amend section six hundred and thirty-seven of the Penal Code—with a like recommendation.

Also, Assembly Bill No. 169—An Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure—and recommend that it do not pass.

Also, Senate Bill No. 309—An Act to amend section one thousand five hundred of the Code of Civil Procedure—and recommend its passage.

Also, Senate Bill No. 310—An Act to amend section eight hundred and forty-three of the Political Code—and respectfully recommend that the bill be indefinitely postponed.

Also, Senate Bill No. 313—An Act to amend article four hundred and ninety-seven of the Civil Code—and recommend that it do not pass.

Also, Senate Bill No. 314—An Act to protect State moneys—and recommend that it do not pass.

Also, Senate Bill No. 318—An Act to provide for the exemption of the Oakland Fire Department from military and jury duty—and recommend that it do not pass.

Also, Senate Bill No. 329—An Act to amend sections six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, six hundred and forty-nine, and nine hundred and fifty-six of the Code of Civil Procedure—and recommend its passage.

Also, Assembly Bill No. 103—An Act to amend section one thousand five hundred and forty-one of the Civil Code—and recommend its passage.

E. J. LEWIS, Chairman.

Senate Bills Nos. 307 and 308, above reported, were referred to the Committee on Fish and Fisheries.

By Mr. Hill:

SENATE CHAMBER.

SACRAMENTO, February 14th, 1876. }

MR. PRESIDENT: The Committee on Agriculture, to whom was referred substitute for Assembly Bill No. 24—An Act to abate the squirrel nuisance in Stanislaus, Santa Cruz, Alameda, San Joaquin, Merced, Fresno, San Benito, Tulare, San Mateo, Santa Clara, Monterey, and Kern Counties, State of California—have had the same under consideration, and report it back, with amendments, and respectfully recommend the passage of the bill as amended.

Also, Senate Bill No. 135—An Act to amend an Act entitled an Act to abate the squirrel nuisance in certain counties of the State, approved March tenth, eighteen hundred and seventy-four—report the same back, with an amendment, recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 180—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-seventh, eighteen hundred and seventy-two—respectfully report the same back, and recommend the passage of the bill.

Also, Assembly Bill No. 126—An Act to amend section six hundred and twenty-eight of the Penal Code—report the same back, with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 349—An Act to amend section six hundred and twenty-eight of the Penal Code—report the same back, with the recommendation that the bill do not pass, the object of the same being provided for in the amendment to Assembly Bill No. 126.

Also, Assembly Bill No. 307—An Act concerning the construction and repair of levees in the City of Marysville, and the mode of raising revenue therefor—report the same back, and respectfully recommend the passage of the bill.

Also, Assembly Bill No. 314—An Act to provide for funding the indebtedness of Levee District Number Two, of Sutter County—report the same back, and respectfully recommend that the same be referred to the Committee on Swamp and Overflowed Lands.

Also, Assembly Bill No. 315—An Act to define the boundary and provide for the government of Levee District Number Two, of Sutter County—report the same back, and respectfully recommend its reference to the Committee on Swamp and Overflowed Lands.

HILL, Chairman.

Assembly Bills Nos. 314 and 315, above reported, were referred to the Committee on Swamp and Overflowed Lands.

By Mr. Martin:

SACRAMENTO, February 14th, 1876.

MR. PRESIDENT: The Committee on Public Morals have had under consideration Senate Bill No. 92—An Act to amend section three hundred and thirty of the Penal Code, in relation to pool selling—beg leave to report it back, and recommend its passage.

Also, Assembly Bill No. 185—An Act to repeal the Sunday law—report the same back, and recommend that it do not pass.

MARTIN, for Committee.

By Mr. Farley:

SACRAMENTO, February 14th, 1876.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 298—An Act to authorize the Board of Trustees of the Town of Colusa to construct a branch railroad, and to issue bonds therefor—have had the same under consideration, and the committee being divided, report the same back without recommendation.

Also, Senate Bill No. 352—An Act to incorporate the Town of Haywards—report the same back, with a recommendation that it be referred to the delegation.

Also, Senate Bill No. 288—An Act entitled an Act to district the City of Oakland into wards—report the same back, with an amendment, and most respectfully recommend the adoption of the amendment: the committee being divided, report the same as amended, without recommendation.

Also, Senate Bill No. 326—An Act to amend an Act entitled an Act supplemental to an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two—report the same back, and recommend its passage.



Also, Senate Bill No. 323—An Act to amend section five hundred and forty-nine of the Civil Code—report the same back, with an amendment, and most respectfully recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 295—An Act to reincorporate Salinas City—report the same back, and recommend its passage.

Also, Assembly Bill No. 184—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer—report the same back, with a recommendation that it do not pass.

Also, Assembly Bill No. 296—An Act to authorize the Santa Cruz and Felton Railroad Company to purchase the property and franchises of the San Lorenzo Flume and Transportation Company—report the same back, and recommend that it do not pass. The reasons that actuated your committee in reporting adversely to this bill are, that they believe its provisions are unconstitutional.

Also, Assembly Bill No. 2—An Act to authorize Abram S. Sally to construct and maintain a ditch to convey water for irrigating, domestic, and other purposes, in San Benito County—report the same back, and recommend that the bill do not pass. The committee report against this bill upon constitutional grounds; and for the further reason, that they believe the object sought to be obtained by the passage of this bill can better be secured under general laws of the State.

FARLEY, Chairman.

Senate Bill No. 352, above reported, was referred to the delegation named in the bill.

On motion of Mr. Lewis, the rules were suspended to take up Assembly Bill No. 298, above reported, for consideration.

Considered as in Committee of the Whole.

Reported without recommendation.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, McCune, and Donovan, and the Senate refused to pass the bill, by a vote as follows:

AYES—Messrs. Craig, Lewis, Martin, McCarthy, McGarvey, and Montgomery—6.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Edgerton, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hemlocks, Hilborn, Hill, Hopkins, Lane, McCune, O'Connor, Satterwhite, Shirley, Spencer, Timin, Turner, and Tuttle—26.

On motion of Mr. Haymond, the rules were suspended, and the following bill, reported from the Judiciary Committee, was taken up and placed on its passage:

Senate Bill No. 335—An Act for the relief of the widow and family of the late James W. Mandeville, Controller of the State of California.

Considered as in Committee of the Whole.

Rules further suspended, considered engrossed, read third time, and passed.

Mr. Tuttle moved to suspend the rules, to order the concurrent resolution heretofore adopted in reference to correcting errors and renumbering Senate Bill No. 108, transmitted immediately to the Assembly.

Mr. Lewis moved to reconsider the vote by which the resolution was adopted.

Carried.

Mr. Donovan offered the following substitute:

*Resolved by the Senate, the Assembly concurring.* That the Enrolling Clerk be authorized to renumber the sections of Senate Bill No. 108, so as to make them read consecutively.

Substitute adopted.

When the motion of Mr. Tuttle, to suspend the rules to transmit the resolution to the Assembly, prevailed.

Mr. McCarthy, for Mr. Roach, submitted a report as follows:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 286—An Act granting certain privileges to the North Beach and Mission Railroad Company—have considered the same, and recommend its passage.

Also, have considered Senate Bill No. 305—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California—and recommend its reference to the Judiciary Committee.

Also, have considered Assembly Bill No. 238—An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days—and recommend its passage.

Also, have considered Senate Bill No. 211—An Act to repeal an Act entitled an Act to regulate the distribution of the Police Fund of the City and County of San Francisco, approved April first, eighteen hundred and seventy—and recommend its passage.

Also, have considered Senate Bill No. 300—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco—and recommend its passage as amended.

Also, have considered Senate Bill No. 103—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose—and recommend its passage as amended, and that it be printed as amended.

Also, have considered Senate Bill No. 114—An Act to open and establish a public street in the City and County of San Francisco, to be called Western Avenue, and to take private lands therefor—and recommend that Senator Craig have leave to withdraw the bill.

ROACH, Chairman.

Senate Bill No. 103, above reported, was ordered printed and referred to the San Francisco delegation.

Senate Bill No. 305, above reported, was referred to the Judiciary Committee.

Mr. McCarthy submitted the following report:

SENATE CHAMBER,

SACRAMENTO, February 14th, 1876.

Mr. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 247—An Act to legalize the acts of the Board of Education of Placerville School District, and to provide for maintaining schools therein.

Also, Senate Bill No. 267—An Act to enable the Board of Trustees of the City of Sacramento to pay certain indebtedness contracted for street repairs in said city.

Also, Senate Bill No. 203—An Act to authorize and direct the County Treasurer of Tulare County to pay certain orders drawn on him by the Road Commissioner of said county.

Also, Senate Bill No. 108—An Act to establish and maintain a training-ship in the City and County of San Francisco.

Also, Senate Concurrent Resolution No. 19—Concerning public lands.

Also, Senate Bill No. 303—An Act to make the provisions of the Political Code, concerning highways, applicable to San Bernardino County.

Also, Senate Bill No. 239—An Act to authorize the Board of Education of Vallejo Township, in the County of Solano, to borrow money for school purposes.

Also, Senate Bill No. 298—An Act to amend section six hundred and twenty-seven of the Penal Code.

Also, Senate Bill No. 235—An Act to amend an Act entitled an Act to authorize Chico School District to issue bonds for building purposes, approved March twenty-seventh, eighteen hundred and seventy-four.

And on this fourteenth day of February, eighteen hundred and seventy-six, at four o'clock P. M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Edgerton—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure,

Read first and second times and referred to the Judiciary Committee.

By Mr. Craig—A substitute for Senate Bill No. 103—An Act to authorize the City of San Francisco to provide and maintain public

water-works for said city and county, and to condemn and purchase private property for that purpose.

Read first and second times and referred to the San Francisco delegation, and ordered printed.

Mr. Farley moved to reconsider the vote by which the Senate, on the eleventh instant, indefinitely postponed the whole subject-matter concerning Senate Joint Resolution No. 10, and that said motion be placed at the head of the general file for Wednesday next.

Mr. Haymond moved to indefinitely postpone the motion to reconsider.

On which the ayes and noes were demanded by the requisite number.

#### ADJOURNMENT.

At five o'clock and seven minutes P. M., on motion of Mr. Turner, the Senate adjourned.

SENATE CHAMBER,  
Tuesday, February 15th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Craig:

SENATE CHAMBER,  
SACRAMENTO, February 14th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 266—An Act to provide for the improvement of the streets of the City of Sacramento.

Also, Senate Bill No. 325—An Act to enable the Board of Supervisors of Sacramento County to refund certain moneys.

CRAIG, for Committee.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 237—An Act to pay the claims of E. G. Jeffers and John Timmins—have had the same under consideration, and would report the bill back, and a majority of the committee recommend that the same do not pass.

O'CONNOR, Chairman.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Graves:

MR. PRESIDENT: The delegation from Santa Barbara having considered Assembly Bill No. 287—An Act to authorize the Board of Supervisors of Santa Barbara County to build a jail and hospital in said county, to issue bonds of said county for the construction thereof, and to provide for the payment of the same—report the same back and favor its passage, and recommend its reference to the Committee on State and County Revenue.

Also, Assembly Bill No. 280—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four, report the same back, and recommend its passage and reference to the Committee on Corporations.

Also, Assembly Bill No. 343—An Act providing for the transfer of certain Court papers from Santa Barbara County to Ventura County—report the same back, and recommend its passage and its reference to the Judiciary Committee.

W. J. GRAVES.

The bills above reported were referred in accordance with the request of the delegation.

By Mr. Haymond:

MR. PRESIDENT: The Sacramento delegation report Assembly Bill No. 177, with a substitute, and recommend the passage of the substitute.

EDGERTON AND HAYMOND.

By Mr. Tinnin:

MR. PRESIDENT: The Modoc delegation, to whom was referred Assembly Bill No. 133—An Act to amend an Act entitled an Act concerning lawful and partition fences in Modoc County—report it back, and recommend its passage.

TINNIN, for Delegation.

On motion of Mr. Tinnin, the rules were suspended, and the bill above reported taken up and placed on its passage.

Read third time and passed.

By Mr. Beazell:

MR. PRESIDENT: The Alameda delegation, to whom was referred Senate Bill No. 352—An Act to incorporate the Town of Haywards—have had the same under consideration, and respectfully report the same back, and recommend its passage.

BEAZELL, for Delegation.

On motion of Mr. Beazell, the rules were suspended, and the bill above reported taken up for consideration.

Rules further suspended, considered engrossed, read third time, and passed.

By Mr. Hill:

SENATE CHAMBER,  
February 14th, 1876. }

MR. PRESIDENT: The Napa delegation, to whom was referred Assembly Bill No. 45—An Act supplementary to an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six—have had the same under consideration, and hereby respectfully report the same back, without recommendation, and ask that the bill be referred to the Committee on Roads and Highways.

HILL, for Delegation.

The bill was so referred.

Mr. Gibbons, by leave, offered a resolution as follows:

*Resolved, by the Senate, the Assembly concurring.* That we regard the death of T. M. Logan as a public calamity. From the earliest history of this State he has been identified with its progress. His name is associated with its public institutions of benevolence and learning, and his unselfish devotion to individual advancement and public welfare imbue us with a profound sense of admiration of his virtues and sorrow for his death.

*Resolved,* That when we adjourn this day, we do so out of respect to his memory.

*Resolved,* That a copy of these proceedings be transmitted to the family of the deceased.

Adopted unanimously, and ordered transmitted to the Assembly immediately, under a suspension of the rules.

Subsequently, at eleven o'clock and fifty-five minutes A. M., Mr. Haymond moved that the Senate adjourn at one o'clock and thirty minutes to-day.

Agreed to.

Mr. Roach, by leave, presented a memorial in relation to the various bills presented to the Legislature for the regulation of empiricism and quackery, signed by George M. Bourne.



Received and referred to the Committee on Hospitals.  
Mr. Spencer submitted a report, as follows:

MR. PRESIDENT: The Yuba delegation, to whom was referred Assembly Bill No. 215—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in Marysville Township, Yuba County—has had the same under consideration, and beg leave to report it back, and recommend its passage.

SPENCER, for Delegation.

The bill above reported was referred to the Committee on Agriculture.

By Mr. Flint:

MR. PRESIDENT: The Santa Cruz delegation, to whom was referred Assembly Bill No. 281—An Act in relation to the office of Coroner of the County of Santa Cruz—ask leave to report the same back, and recommend that it be referred to the Judiciary Committee.

FLINT, for Delegation.

The bill was so referred.

Mr. Edgerton, for the delegations to whom the bill was referred, verbally reported Assembly Bill No. 154—An Act to provide for the construction of division fences—with amendments, recommending the passage of the bill as amended.

Mr. Pierson, for the Committee on Rules, verbally reported the proposed new rule, to be numbered fifty-seven, recommending its adoption.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, February 14th, 1876. )

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have appointed E. M. Sanford, a resident of the County of Los Angeles, Brigadier-General of the First Brigade of the National Guard, vice Phineas Banning, term expired, and respectfully ask that the Senate advise and consent to the said appointment.

WILLIAM IRWIN, Governor.

The Senate went into executive session to consider the appointment.

Upon the question, "Will the Senate advise and consent to the appointment of E. M. Sanford, Brigadier-General of the First Brigade of National Guard, vice Phineas Banning, term expired?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Eakin, Edgerton, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Laine, Lewis, Lindsey, Martin, McCarthy, McCune, McCarvey, Montgomery, O'Connor, Pierson, Roach, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—34.

NOES—None.

Whereupon the Chair announced the appointment of E. M. Sanford, as Brigadier-General, duly confirmed.

Mr. Beazell, by general consent, was permitted to withdraw from the further consideration of the Senate Senate Bill No. 273—An Act to establish a State Detective Force, for the better enforcement of the laws.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

## ASSEMBLY CHAMBER.

SACRAMENTO, February 14th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February tenth, passed Assembly Bill No. 302—An Act to ratify and confirm Ordinance Number Forty-seven, passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of said city on the twentieth day of January, eighteen hundred and seventy-six, and Ordinance Number Forty-eight, passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of said city on the twenty-seventh day of January, eighteen hundred and seventy-six.

Also, on February eleventh, Assembly Bill No. 234—An Act appointing and empowering Charles F. Irwin, a trustee, to execute certain trusts, directing the manner of executing the same, and the use of the funds arising therefrom.

Also, Assembly Bill No. 278—An Act to amend an Act entitled an Act to protect agriculture in the County of Butte, approved March tenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 38—An Act to provide for the payment of certain indebtedness incurred by the Directors of the Deaf, Dumb, and Blind Asylum.

Also, on February twelfth, ordered, by resolution, the return to the Senate of Senate Concurrent Resolution No. 24—Relative to adjournment *sine die* of the Legislature.

Also, on this date, passed Assembly Bill No. 323—An Act to fix the compensation of the County Clerk of Humboldt County.

Also, Assembly Bill No. 329—An Act to amend section one hundred and sixty of the Code of Civil Procedure.

Also, Assembly Bill No. 326—An Act concerning the offices of Supervisors and District Attorney in the County of Calaveras.

Also, Assembly Bill No. 319—An Act to reenact section nine hundred and forty-six of the Civil Code, relating to personal property.

Also, Assembly Bill No. 220—An Act concerning certain reclamation districts in San Joaquin County.

Also, Assembly Bill No. 313—An Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charity and other purposes.

Also, Assembly Bill No. 308—An Act to amend section six hundred and seventy of the Code of Civil Procedure of California.

Also, Assembly Bill No. 273—An Act to protect the public roads in Santa Clara County.

Also, Senate Concurrent Resolution No. 17—In relation to the Presidio Reservation.

Also, Senate Joint Resolution No. 20—Relative to obtaining cheaper telegraphic facilities for the State of California.

Also, on February fourteenth, passed Senate Joint Resolution No. 2—Asking for an appropriation to improve the Feather, Sacramento, San Joaquin, and Mokelumne Rivers, and Petaluma and Sonoma Creeks.

Also, Senate Bill No. 229—An Act to extend the time in which Swamp Land District Number One Hundred and Twenty-five shall complete its work of reclamation.

Also, Senate Bill No. 223—An Act to provide for the refunding of the debt of the County of Tehama, funded under an Act approved March thirtieth, eighteen hundred and sixty-four.

Also, on this date, amended and passed Senate Bill No. 81—An Act to regulate salaries and to fix the compensation of certain officers in the County of Contra Costa.

Also, amended and passed Senate Bill No. 100—An Act to regulate fees of office and to fix the compensation of certain officers in the County of Contra Costa.

Also, amended and passed Senate Bill No. 196—An Act to provide for the payment of outstanding claims for the support of public schools in Mendocino County.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bills Nos. 234, 329, 319, 313, and 308, above reported, were each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 273, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bills Nos. 323 and 326, above reported, were each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 278, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 302, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 220, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Senate Bills Nos. 196, 81, and 100, above reported, with Assembly amendments to each bill. The amendments to each bill severally considered and concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Turner—An Act relating to bank deposits.

Read first and second times and referred to the Committee on Finance.

By Mr. Graves—An Act amendatory of and supplementary to an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Hopkins—An Act to amend section one thousand two hundred and forty-one of the Civil Code.

By Mr. Bartlett—An Act to confer upon the Board of Supervisors of the City and County of San Francisco power to approve and ratify the acts and actions of the Board of Public Works of said city and county.

By Mr. Tinnin—An Act to amend section four thousand and seventy-one of the Political Code.

By Mr. Spencer—An Act to establish a State force for the detection and arrest of criminals.

Each of the above bills read first and second times and referred to the Judiciary Committee.

By Mr. Edgerton—An Act to provide for the payment of certain outstanding road warrants in the County of Sacramento.

Read first and second times and referred to the Sacramento delegation.

By Mr. Satterwhite—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

By Mr. Haymond—An Act requiring the County Treasurer of Sacramento County to make certain entries, in writing, in the Treasurer's register of claims or warrants against the county.

Read first and second times and ordered on the general file.

By Mr. Hendricks—An Act authorizing the Treasurer of Butte County to transfer certain funds.

Also, an Act to call in and pay the registered warrants of Butte County.

Each of the above bills read first and second times and referred to the Committee on State and County Revenue.

Mr. Hill submitted a report as follows:

MR. PRESIDENT: The Lake County delegation, to whom was referred Assembly Bill No. 250—An Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment recovered against said county, in the Sixth Judicial District Court in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five—have had the same under consideration, report the same back, with amendments, respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

HILL, for Delegation.

The bill above reported was referred to the Committee on State and County Revenue.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Lewis, the rules were suspended, and Assembly Bill No. 270 was taken from the general file and re-referred to the Judiciary Committee.

Mr. Beazell offered a resolution as follows:

*Resolved*, That the Engrossing Clerk be authorized to transpose the title of Senate Bill No. 352, so as to place it before the enacting clause.

Adopted.

Mr. Bush offered a joint resolution asking an appropriation to erect a light-house and fog-bell at Santa Monica, Los Angeles County.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Gibbons:

*Resolved by the Senate, the Assembly concurring*, That his Excellency the Governor, William Irwin, be respectfully requested to transmit to each of our Senators and Representatives in Congress a copy of Senate Concurrent Resolution No. 19—Concerning public lands.

Adopted.

By Mr. Lewis:

*Resolved*, That the Senate do now proceed to consider the general file, and that none but local bills be considered this day.

Adopted.

The special order set for twelve o'clock M., being the motion to reconsider the vote on Senate Concurrent Resolution No. 24, was postponed until the same hour for to-morrow, on motion of Mr. Edgerton.

#### GENERAL FILE.

Assembly Bill No. 153—An Act granting power to the Judge of the Municipal Criminal Court of the City and County of San Francisco to call in a County Judge to preside, under certain circumstances.

Read third time and passed.

Senate Bill No. 245 and Assembly Bill No. 1 passed on file.

Assembly Bill No. 53—An Act regulating certain township offices in the County of Calaveras.

Read third time and passed.

Senate Bill No. 249—An Act concerning St. Luke's Hospital Association.

Ordered engrossed.

Assembly Bill No. 175—An Act to authorize the corporation, the Mayor, and Common Council of the City of Los Angeles to issue bonds, and to provide means for the improvement of irrigation in said city.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lewis, Martin, and Haymond, and it passed, by a vote as follows:



AYES—Messrs. Aughey, Bartlett, Beazell, Bush, Craig, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hulborn, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCune, McGarvey, Montgomery, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, and Timin—30.

NOES—Messrs. Turner and Tuttle—2.

Mr. Evans was granted leave of absence for one day.

Senate Bill No. 186—An Act in relation to the sales and conveyances of the Mutual Real Estate Company.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 197—An Act to amend an Act entitled an Act to incorporate the City of Visalia, and to provide for public schools therein, approved February twenty-seventh, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 175—An Act to amend section three thousand seven hundred and ninety-nine of the Political Code, and to exempt the City and County of San Francisco from the provisions of sections three thousand eight hundred and two, three thousand eight hundred and three, and three thousand eight hundred and eighty-one of the Political Code.

On motion of Mr. Haymond, referred to the Judiciary Committee.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, February 15th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 38—An Act to provide for the payment of certain indebtedness incurred by the Directors of the Deaf, Dumb, and Blind Asylum.

Also, Senate Concurrent Resolution No. 17—In relation to the Presidio Reservation.

Also, Senate Joint Resolution No. 20—Relative to obtaining cheaper telegraphic facilities for the State of California.

And on this fifteenth day of February, eighteen hundred and seventy-six, at twelve o'clock M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

By Mr. Craig:

SENATE CHAMBER.

SACRAMENTO, February 15th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 335—An Act for the relief of the widow and family of the late James W. Mandeville, Controller of the State of California.

CRAIG, Chairman.

GENERAL FILE RESUMED.

Senate Bill No. 331—An Act to grant further powers to the Trustees of the City of Benicia.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 288—An Act to district the City of Oakland into wards.

Amendments adopted in Committee of the Whole concurred in.

At one o'clock and thirty minutes P. M., Mr. Lewis moved to reconsider the vote by which the Senate previously agreed to adjourn for to-day.

The motion prevailed.

The Senate then refused to adjourn at this hour.

Senate Bill No. 288 continued.

Rules suspended, considered engrossed, and read third time.

On the passage of the bill, the ayes and noes were demanded by

Messrs. Donovan, Hopkins, and Pierson, and it passed, by a vote as follows :

AYES—Messrs. Angney, Beazell, Craig, Donovan, Eakin, Farley, Hill, Howe, Lewis, McCarthy, McInne, McGarvey, Montgomery, O'Connor, Reach, Satterwhite, Shirley, and Timmin—18.

NOES—Messrs. Bartlett, Flint, Fraser, Gibbons, Graves, Hilborn, Hopkins, Laine, Lindsey, McCoppin, Pierson, Spencer, Turner, and Tuttle—14.

Mr. Hill gave notice of a motion to reconsider the vote by which the bill passed.

Mr. McCoppin, by leave, introduced a bill as follows: An Act in relation to the manufacture of acids and explosive chemicals in the City and County of San Francisco, and for other purposes.

Read first and second times and referred to the San Francisco delegation.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
SACRAMENTO, February 15th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February eleventh, passed Assembly Bill No. 194—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Also, on February fourteenth, passed Assembly Bill No. 368—An Act supplemental to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine.

Also, on same date, passed Assembly Bill No. 279—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco, approved March sixteenth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 225—An Act to regulate the fees of the Sheriff of Los Angeles County. Also, Senate Bill No. 219—An Act for the relief of John Jackson, ex-Sheriff and ex officio Tax Collector of Trinity County.

Also, on same date, concurred in Senate amendment to Assembly Bill No. 291.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, February 15th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, Senate Concurrent Resolution No. 26—Relative to correcting an error in Senate Bill No. 108.

Also, Senate Concurrent Resolution No. 27—Concerning the death of Dr. T. M. Logan.

Also, Senate Concurrent Resolution No. 28—Requesting Governor William Irwin to transmit a copy of Senate Concurrent Resolution No. 19 to our Senators and Representatives in Congress.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 194, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 368, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 279, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 225, above reported, read first and second times and referred to the delegation named in the bill.

#### ADJOURNMENT.

At three o'clock and fifteen minutes P. M., on motion of Mr. Pierson, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, February 16th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Beazell:

MR. PRESIDENT: The Swamp, Overflowed, and Tide Land Committee, to whom was referred Senate Bill No. 246—An Act to amend certain sections of the Political Code, relating to swamp and overflowed lands—have had the same under consideration, and report the same back, with the recommendation that it do not pass.

Also, Assembly Bill No. 314—An Act to provide for funding the indebtedness of Levee District Number Two, of Sutter County—and recommend that the bill be referred to the Committee on State and County Revenue.

Also, Assembly Bill No. 315—An Act to define the boundaries and provide for the government of Levee District Number Two, of Sutter County—and recommend that it be referred to the Committee on State and County Revenue.

BEAZELL, Chairman.

Assembly Bills Nos. 314 and 315, above reported, were referred to the Committee on State and County Revenue.

By Mr. Howe:

MR. PRESIDENT: The Committee on Commerce and Navigation have considered Senate Bill No. 339—An Act to amend section two thousand nine hundred and sixteen of the Political Code:

Also, Assembly Bill No. 59—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States—report the same back, and recommend their passage.

HOWE, Chairman.

By Mr. Graves:

MR. PRESIDENT: A majority of the joint committee on the translation of the laws into the Spanish language report, that on Monday, February seventh, eighteen hundred and seventy-six, they met at the office of the Secretary of State, when all proposals for translating the laws of the present Legislature, received by and filed with the Secretary of State, pursuant to section four hundred and fifteen of the Political Code, were opened in their presence; and on the ninth day of February, eighteen hundred and seventy-six, the joint committee awarded the contract for the translation of the laws of the twenty-first session of the Legislature into the Spanish language, the preparing the index, and correcting the proof-sheets for the printer, to José F. Godoy, Esq., of San Francisco, at the rate of sixteen cents per folio of one hundred words.

W. J. GRAVES,  
 FRANK MCCOPPIN,  
 HENRY EDGERTON.

On part of Senate.

J. W. HARDING,

On part of Assembly.

February 16th, 1876.

By Mr. Eakin:

MR. PRESIDENT: The Committee on Roads and Highways have had under consideration the following bills:

Assembly Bill No. 194—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four—and report the same back, and recommend its passage.

Assembly Bill No. 273—An Act to protect the public roads in Santa Clara County—and report the same back, with an amendment, and recommend the passage of the same as amended.

Senate Bill No. 369—An Act amendatory of and supplementary to an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four—and report the same back, with a recommendation that it pass.

EAKIN, Chairman.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Rogers:

MR. PRESIDENT: The San Mateo delegation, to whom was referred Assembly Bill No. 201—An Act in relation to boundary fences—report the same back, and ask that it be referred to the Committee on Public Lands.

ROGERS, for Delegation.

The bill was so referred.

Mr. McGarvey, for the Humboldt delegation, verbally reported Assembly Bill No. 323—An Act to fix the compensation of the County Clerk of Humboldt County—recommending its passage.

On motion of Mr. McGarvey, the rules were suspended, and the bill above reported taken up and placed on its passage.

Amended.

Read third time and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Eakin—An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Graves—An Act to continue and complete the geological survey of California.

Read first and second times and referred to the Finance Committee, with the accompanying documents.

By Mr. Fraser—An Act to amend section two hundred and sixty-eight of the Political Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Beazell—An Act to incorporate the Town of Livermore, Alameda County.

Read first and second times and referred to the Committee on Corporations.

By Mr. Howe—An Act to provide for the collection of delinquent taxes for the twenty-fourth, twenty-fifth, and twenty-sixth fiscal years in the City and County of San Francisco.

Also, an Act to provide for the collection of delinquent taxes in the City and County of San Francisco.

Each of the above bills read first and second times and referred to the San Francisco-delegation.

By Mr. Satterwhite—An Act to amend section three thousand seven hundred and seventy-one of the Political Code, in relation to revenue.

Read first and second times and referred to the Judiciary Committee.



By Mr. Evans (by request)—An Act to authorize the County of San Joaquin to issue bonds for the redemption of bonds of said county which become due during the year eighteen hundred and seventy-six, and to provide for the payment of the same.

Read first and second times and referred to the San Joaquin delegation.

By Mr. Hendricks—An Act to provide for the redemption of the outstanding railroad bonds of Butte County.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Turner—An Act to cancel certain applications to purchase lands in this State.

Read first and second times and referred to the Committee on Public Lands.

Also, an Act to repeal section four hundred and fifteen of the Political Code.

Read first and second times and referred to the Committee on Finance.

By Mr. Haymond—An Act to amend the Political Code, and to repeal a certain Act relating to the revenue.

Read first and second times, referred to the Judiciary Committee, and, on motion of Mr. Haymond, the rules were suspended, and the bill ordered printed out of its order and from the original bill.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Laine offered a resolution as follows:

*Resolved*, That the Judiciary Committee of the Senate be and they are hereby instructed to examine the question whether or not, under the Constitution of this State, as interpreted by the Supreme Court, Boards of Supervisors, and other Boards and officers elected by districts, in counties, cities, or towns, can be invested with power to equalize county, town, or city assessments made for purposes of taxation, and report to the Senate at any early day the result of such examination, with such bill or bills as they may consider necessary in the premises.

Adopted.

By Mr. Lewis:

*Resolved*, That the Senate, at twelve o'clock m., will proceed to consider the general file, and that none but local bills shall be considered until the file has been gone through with, and that the special order of this day shall be considered as soon as the file is so finished.

Adopted.

On motion of Mr. Graves, the rules were suspended, and Senate Bill No. 64 taken from the general file and recommitted to the Committee on Education.

Mr. Hill, in accordance with previous notice, moved to reconsider the vote by which the Senate, on yesterday, passed Senate Bill No. 288—An Act to district the City of Oakland into wards.

On the motion to reconsider the vote, the ayes and noes were demanded by Messrs. Gibbons, Lewis, and McFarvey, and the motion prevailed, by a vote as follows:

AYES—Messrs. Bartlett, Bush, Craig, Edgerton, Evans, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lindsey, Martin, McCoppin, McCune, McFarvey, Pierson, Rogers, Spencer, and Turner—25.

NOES—Messrs. Anguey, Beazell, Donovan, Farley, Lewis, McCarthy, Montgomery, O'Connor, Roach, Satterwhite, Shirley, and Tinnin—12.

Mr. Gibbons moved to reconsider the vote by which the bill was considered engrossed.

At twelve o'clock M., on motion of Mr. Lewis, the special order, being consideration of the general file, was postponed until the matter under consideration was disposed of.

On the motion to reconsider the vote by which Senate Bill No. 288 was ordered engrossed, the ayes and noes were demanded by Messrs. Lewis, Beazell, and Angney, and the vote was reconsidered, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Edgerton, Evans, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lindsey, Martin, McCoppin, McCune, McGarvey, O'Connor, Pierson, Roach, Rogers, Spencer, and Turner—27.

NOES—Messrs. Beazell, Donovan, Farley, Lewis, McCarthy, Montgomery, Satterwhite, Shirley, and Tinnin—9.

Considered in Committee of the Whole.

Reported with amendments.

On concurring in the amendments adopted in the Committee of the Whole, the ayes and noes were demanded by Messrs. Lewis, Turner, and Donovan, and the Senate refused to concur, by a vote as follows:

AYES—Messrs. Bartlett, Edgerton, Evans, Flint, Fraser, Gibbons, Graves, Haymond, Hilborn, Hopkins, Laine, Lindsey, Martin, Pierson, Spencer, and Turner—16.

NOES—Messrs. Angney, Beazell, Donovan, Eakin, Farley, Hendricks, Hill, Howe, Lewis, McCarthy, McCune, McGarvey, Montgomery, O'Connor, Roach, Satterwhite, Shirley, and Tinnin—18.

Mr. Evans moved to refer the bill to the Judiciary Committee.

On which the ayes and noes were demanded by Messrs. Farley, Lewis, and Satterwhite, and the roll was called, with the following result:

AYES—Messrs. Bartlett, Bush, Edgerton, Evans, Flint, Fraser, Gibbons, Haymond, Hilborn, Hill, Hopkins, Laine, Lindsey, Martin, Rogers, Spencer, Turner, and Tuttle—18.

NOES—Messrs. Angney, Beazell, Donovan, Eakin, Farley, Hendricks, Howe, Lewis, McCarthy, McCune, McGarvey, Montgomery, O'Connor, Pierson, Roach, Satterwhite, Shirley, and Tinnin—18.

The President voted in the affirmative, and the bill was so referred.

By general consent, Mr. Edgerton called up the special order set for twelve o'clock M., to-day, being the motion to reconsider the vote on the passage of Senate Concurrent Resolution No. 24—Relative to adjournment *sine die*.

On reconsidering the vote by which the resolution was adopted, the ayes and noes were demanded by Messrs. Lewis, Turner, and McCune, and it was reconsidered, by a vote as follows:

AYES—Messrs. Beazell, Bush, Donovan, Eakin, Edgerton, Farley, Flint, Fraser, Gibbons, Hilborn, Hopkins, Laine, Lindsey, McCarthy, McCoppin, Montgomery, O'Connor, Roach, Satterwhite, Shirley, Spencer, and Turner—22.

NOES—Messrs. Angney, Bartlett, Evans, Haymond, Hendricks, Hill, Howe, Lewis, Martin, McCune, McGarvey, Pierson, Rogers, Tinnin, and Tuttle—15.

Mr. Tuttle moved to indefinitely postpone the whole subject.

On which the ayes and noes were demanded by Messrs. Tuttle, Lewis, and Satterwhite, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Eakin, Edgerton, Farley, Flint, Gibbons, Hilborn, Hopkins, Laine, Lindsey, McCarthy, McCoppin, Montgomery, Shirley, Spencer, Turner, and Tuttle—20.

NOES—Messrs. Donovan, Evans, Fraser, Haymond, Hendricks, Hill, Howe, Lewis, Martin, McCune, McGarvey, O'Connor, Pierson, Rogers, Satterwhite, and Tinnin—16.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, February 16th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Concurrent Resolution No. 28—Concerning the death of Dr. T. M. Logan—which the Committee on Enrollment have the honor to herewith return to the Senate.

McCARTHY, Chairman.

At two o'clock and fifty minutes P. M., on motion of Mr. Edgerton, the Senate took a recess for thirty minutes.

RE-ASSEMBLED.

At three o'clock and twenty minutes P. M. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

Mr. Spencer, by leave, submitted a report as follows:

MR. PRESIDENT: The Yuba delegation, to whom was referred Assembly Bill No. 312—An Act to reincorporate the City of Marysville—have had the same under consideration, and beg leave to report it back, and recommend its passage as amended.

SPENCER, for Delegation.

The bill above reported was referred to the Committee on Corporations.

Mr. Beazell offered a resolution as follows:

*Resolved*, That the Enrolling Clerk be directed to enroll Senate Concurrent Resolution No. 28 immediately and out of order.

Adopted.

Mr. Bush verbally reported Assembly Bill No. 225—An Act to regulate the fees of the Sheriff of Los Angeles County—recommending its passage.

Mr. Tuttle verbally reported Assembly Bill No. 268—An Act concerning roads and highways in the County of Sonoma—requesting its reference to the Committee on Roads and Highways.

So referred.

Mr. Lewis, by leave, offered a resolution as follows:

*Resolved*, That the Judiciary Committee be instructed to report to the Senate forthwith Senate Bill No. 288.

Mr. Edgerton offered a substitute as follows:

*Resolved*, That the Judiciary Committee be and it is hereby instructed to report back to the Senate Senate Bill No. 288, on Friday morning next.

On the adoption of the substitute, the ayes and noes were demanded by Messrs. Evans, Hopkins, and Edgerton, and the amendment was adopted, by a vote as follows:

AYES—Messrs. Bartlett, Edgerton, Evans, Flint, Graves, Haymond, Hilborn, Hill, Hopkins, Laine, Lindsey, Martin, McCoppin, Pierson, Rogers, Spencer, Turner, and Tuttle—18.

NOES—Messrs. Angney, Beazell, Bush, Craig, Donovan, Farley, Howe, Lewis, McCarthy, McCune, McGarvey, Montgomery, O'Connor, Roach, Satterwhite, and Tinnin—16.

On the adoption of the resolution offered by Mr. Lewis, as amended, the ayes and noes were demanded by the requisite number, and it was adopted, by a vote as follows:

AYES—Messrs. Bartlett, Bush, Edgerton, Evans, Flint, Fraser, Graves, Haymond, Hilborn, Hill, Hopkins, Laine, Lindsey, Martin, McCoppin, Pierson, Rogers, Spencer, Turner, and Tuttle—20.

NOES—Messrs. Angney, Beazell, Craig, Donovan, Farley, Howe, Lewis, McCarthy, McCune, McGarvey, Montgomery, O'Connor, Roach, Satterwhite, and Tinnin—15.

Mr. Rogers submitted a report as follows:

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the accompanying resolution—asking for an additional Assistant Enrolling Clerk—report the same back, and recommend its passage.

ROGERS, Chairman.

The resolution was taken up.

*Resolved*, That the Enrolling Clerk of the Senate be and he is hereby authorized to appoint Joseph R. Beard as Assistant Enrolling Clerk, and that said assistant be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. McCoppin presented a petition from the Pacific Dispensary of San Francisco for Women and Children.

Received and referred to the Committee on Finance.

Mr. Hill, by leave, introduced a bill as follows: An Act to allow the construction of a railroad draw-bridge on Sonoma Creek.

Read first and second times and referred to the Committee on Commerce and Navigation.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, February 16th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February fifteenth, amended and passed Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add certain new sections thereto.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, February 16th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 178—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa, approved March twenty-eighth, eighteen hundred and seventy-two—and amendments thereto, and to incorporate the Town of Santa Rosa.

Also, on this date, passed, under suspension of the rules, Senate Bill No. 121—An Act entitled an Act to incorporate the Town of Ukiah, in the County of Mendocino.

Also, on February fifteenth, passed Assembly Bill No. 408—An Act to amend an Act entitled an Act to amend the charter of the City of Healdsburg, approved March twenty-sixth, eighteen hundred and seventy-four.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 408 and 178, above reported, each read first and second times and referred to the delegations named in the bills.

Senate Bill No. 15, above reported, with Assembly amendments, was, on motion of Mr. Donovan, ordered to the head of the general file for to-morrow.

Mr. McCarthy submitted a report as follows:



SENATE CHAMBER.

SACRAMENTO, February 16th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Concurrent Resolution No. 28—Requesting Governor William Irwin to transmit a copy of Senate Concurrent Resolution No. 19 to our Senators and Representatives in Congress—and on this sixteenth day of February, eighteen hundred and seventy-six, at three o'clock and forty-five minutes P. M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

## GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 16th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 148—An Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two, and to repeal certain new sections added to said Act, approved March twenty-eighth, eighteen hundred and seventy-four.

Also, Senate Bill No. 173—An Act to amend certain sections of the Political Code, relating to the school law.

Also, Senate Bill No. 38—An Act to provide for the payment of certain indebtedness incurred by the Directors of the Deaf, Dumb, and Blind Asylum.

Also, Senate Bill No. 98—An Act to amend section three thousand seven hundred and eighty-five of the Political Code of the State of California.

Also, Senate Bill No. 108—An Act to establish and maintain a training-ship in the City and County of San Francisco.

Also, Senate Bill No. 159—An Act to amend section one thousand two hundred and seventy-three of the Penal Code.

Also, Senate Bill No. 201—An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four.

Also, Senate Bill No. 204—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure.

Also, Senate Bill No. 220—An Act to add a new section to the Penal Code, in relation to false weights and measures.

Also, Senate Bill No. 222—An Act to amend section seven hundred and two of the Code of Civil Procedure.

Also, Senate Bill No. 224—An Act to amend section four hundred and eight of the Code of Civil Procedure, relative to the issue of summons.

Also, Senate Bill No. 298—An Act to amend section six hundred and twenty-seven of the Penal Code.

Also, Senate Bill No. 303—An Act to make the provisions of the Political Code, concerning highways, applicable to San Bernardino County.

WILLIAM IRWIN, Governor.

Mr. Nunan was granted indefinite leave of absence.

## ADJOURNMENT.

At four o'clock P. M., Mr. Edgerton moved that the Senate do now adjourn.

On which the ayes and noes were demanded by Messrs. Tuttle, Fraser, and Bush.

The roll was called, resulting as follows:

AYES—Messrs. Benzell, Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McGarvey, Montgomery, Pierson, Satterwhite, and Timin—20.

NOES—Messrs. Angrey, Bartlett, Bush, Donovan, Haymond, Hendricks, Hill, Laine, Lindsey, McCoppin, McCune, O'Connor, Roach, Rogers, Spencer, Turner, and Tuttle—17.

Whereupon the President declared the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, February 17th, 1876. }

Senate met pursuant to adjournment.  
President in the chair.  
Roll called, and a quorum present.  
Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Craig:

SENATE CHAMBER,  
SACRAMENTO, February 14th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 212—An Act to regulate fees in the County of Alameda.

CRAIG, for Committee.

By Mr. Eakin:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 343—An Act to amend an Act, approved February seventeenth, eighteen hundred and seventy-four, entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant—ask leave to report the same back, with a substitute, and recommend the passage of the substitute. And also recommend that the bill be referred to the Judiciary Committee, to report on the power of this Legislature to alter or amend the said Act of February seventeenth, eighteen hundred and seventy-four.

EAKIN, Chairman.

The bill was referred to the Judiciary Committee, in accordance with the recommendation of the committee.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 82—An Act to provide for the payment of the claim of John Breuner—and a majority of the committee report the bill back, with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

O'CONNOR, Chairman.

By Mr. Farley:

SACRAMENTO, February 17th, 1876.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 316—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and Acts amendatory thereto—have had the same under consideration, and herewith report it back, and recommend its reference to the delegation.

Also, Senate Bill No. 317—An Act authorizing Isaac E. Davis and others to construct and maintain a wharf at Santa Cruz—herewith report back a substitute, and respectfully recommend the adoption and passage of the substitute.

Also, Senate Bill No. 344—An Act to authorize the City of Oakland to construct main sewers—report the same back, with amendments, respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

FARLEY, Chairman.

Senate Bill No. 316, above reported, was referred to the Sonoma County delegation.

## REPORTS OF SELECT COMMITTEES.

By Mr. Tinnin:

MR. PRESIDENT: The Lassen and Modoc delegation have had under consideration Assembly Bill No. 262—An Act to fix the bonds of the County Treasurers of Lassen and Modoc Counties—have amended the same, report it back, and recommend the passage of the bill as amended.

TINNIN, for Delegation.

By Mr. Roach:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 225—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board—have considered the same, and recommend its passage.

Also, have considered Senate Bill No. 379—An Act in relation to the manufacture of acids and explosive chemicals in the City and County of San Francisco, and other purposes—and recommend its passage.

ROACH, Chairman.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, )  
SACRAMENTO, February 17th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February sixteenth, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 394—An Act to provide for the building of a school-house in Pajaro School District, in the County of Santa Cruz.

Also, on same date, amended and passed Senate Bill No. 250—An Act to provide for the construction of an academy in the County of Tehama.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 394, above reported, read first and second times and referred to the delegation named in the bill.

Senate Bill No. 250, above reported, Assembly amendments to the bill concurred in.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lindsey—An Act to confirm certain letters patent of the State of California to W. F. Montgomery and others.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Howe—An Act amendatory of and supplementary to an Act entitled an Act to establish a quarantine for the Harbor of San Francisco, and sanitary laws for the City and County of San Francisco, approved April fourth, eighteen hundred and seventy.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to authorize the formation of corporations sole.

Read first and second times and referred to the Committee on Corporations.

By Mr. Pierson (for Mr. Graves)—An Act to incorporate the City of San Luis Obispo.

Read first and second times, referred to the Committee on Corporations, and ordered printed.

By Mr. McCoppin—An Act to amend an Act establishing a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Flint—An Act to extend the franchise granted to David Kirky and others to build a wharf in Santa Cruz.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hendricks—An Act concerning the office of State Geologist, and to repeal certain sections of the Political Code relating thereto.

Read first and second times and referred to the Committee on Finance.

By Mr. Haymond—An Act to authorize the Board of Examiners to contract for portraits of ex-Governors Booth and Pacheco and Governor Irwin.

Read first and second times and referred to the State Library Committee.

By Mr. Bush—An Act to prevent blackmail as to land titles in the County of Los Angeles.

Read first and second times and referred to the Judiciary Committee, with a petition accompanying the bill, and ordered printed.

Mr. Tuttle, for the Sonoma County delegation, verbally reported Assembly Bill No. 178—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa, approved March twenty-eighth, eighteen hundred and seventy-two, and amendments thereto, and to incorporate the Town of Santa Rosa—requesting the return of the bill to the Assembly for engrossment.

So ordered.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Lewis offered a resolution in reference to a daily recess, accepting amendments suggested by Mr. Evans and Mr. McGarvey, making it read as follows:

*Resolved*, That after the twenty-third of February, when the Senate adjourns it adjourns to meet at ten o'clock A. M. on the following day, unless otherwise ordered by the Senate; and that a recess be taken each day from twelve o'clock and thirty minutes P. M. to one o'clock and thirty minutes P. M.

Adopted.

#### GENERAL FILE.

Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add certain new sections thereto.

Assembly amendments to the bill concurred in.

Senate Joint Resolution No. 13—Relating to the Atlantic and Pacific Railroad Reserve.

On motion of Mr. Tuttle, the rules were suspended, and the resolution considered engrossed, read third time, and adopted.

Senate Bill No. 315—An Act to amend certain sections and to repeal certain sections of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning salaries of the civil executive officers of the State.

Considered in Committee of the Whole.



Reported to the Senate with various amendments, without recommendation.

Mr. Turner submitted a report as follows :

SENATE CHAMBER,

SACRAMENTO, February 17th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Joint Resolution No. 2—Asking for an appropriation to improve the Feather, Sacramento, San Joaquin, and Mokelumne Rivers, and Petaluma and Sonoma Creeks.

Also, Senate Bill No. 229—An Act to extend the time in which Swamp Land District Number One Hundred and Twenty-five shall complete its work of reclamation.

Also, Senate Bill No. 223—An Act to provide for refunding the debt of the County of Tehama funded under an Act approved March thirtieth, eighteen hundred and sixty-four.

Also, Senate Bill No. 196—An Act to provide for the payment of outstanding claims for the support of public schools in Mendocino County.

And on this seventeenth day of February, eighteen hundred and seventy-six, at twelve o'clock and forty minutes P. M., presented the same to his Excellency the Governor for his approval.

TURNER, for Committee.

Senate Bill No. 315 continued.

The amendments offered by Mr. Haymond to section one of the bill, as follows: Amend section one by striking out all after the word "compensation," in line four of the printed bill, to the word "all," in line six. Concurred in.

Also, strike out the word "other," in line six.

Concurred in.

On the amendment offered by Mr. Haymond, "to strike out section two," the ayes and noes were demanded by Messrs. Evans, Hilborn, and McCarthy, and the Senate refused to adopt the amendment, by a vote as follows:

AYES—Messrs. Beazell, Craig, Donovan, Eakin, Farley, Gibbons, Haymond, Hendricks, Hill, Hopkins, Howe, Martin, McCarthy, McCoppin, O'Connor, Rogers, and Tuttle—17.

NOES—Messrs. Angney, Bartlett, Bush, Edgerton, Evans, Flint, Fraser, Hilborn, Laine, Lewis, Lindsey, McCune, McGarvey, Numan, Pierson, Roach, Satterwhite, Shirley, Spencer, Tinnin, and Turner—21.

On the amendment offered by Mr. Haymond to strike out section seventeen, the ayes and noes were demanded by Messrs. Haymond, Tinnin, and Evans, and the amendment was concurred in, by a vote as follows:

AYES—Messrs. Bartlett, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Martin, McCoppin, McGarvey, O'Connor, Roach, Rogers, Satterwhite, Shirley, Spencer, and Tuttle—22.

NOES—Messrs. Angney, Beazell, Bush, Craig, Hill, Howe, Laine, Lewis, Lindsey, McCune, Numan, Pierson, Tinnin, and Turner—14.

On the amendment offered by Mr. Evans, by inserting "Superintendent of Public Instruction" after "Attorney-General," in the fourth line of section thirty-four, the ayes and noes were demanded by Messrs. Lewis, Satterwhite, and Tinnin, and it was concurred in, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Haymond, Hendricks, Hilborn, Hill, Hopkins, Laine, Lindsey, Martin, McCarthy, McCune, McGarvey, O'Connor, Roach, Rogers, Spencer, Turner, and Tuttle—27.

NOES—Messrs. Craig, Eakin, Howe, Lewis, McCoppin, Numan, Pierson, Satterwhite, Shirley, and Tinnin—10.

Mr. Tuttle offered an amendment. Amend section two as follows: "The annual salary of the Private Secretary is two thousand four hundred dollars, and six hundred dollars as Clerk of the Board of Examiners."

On which the ayes and noes were demanded by Messrs. Lewis, Tinnin, and Tuttle, and it was adopted, by a vote as follows:

AYES—Messrs. Donovan, Eakin, Farley, Fraser, Haymond, Hendricks, Hill, Hopkins, Howe, Martin, McCarthy, McCoppin, McCune, McGarvey, O'Connor, Roach, Rogers, Satterwhite, Spencer, and Tuttle—20.

NOES—Messrs. Anguey, Bartlett, Beazell, Bush, Craig, Edgerton, Evans, Flint, Hilborn, Laine, Lewis, Lindsey, Nunan, Pierson, Shirley, Tinnin, and Turner—17.

Mr. Lewis offered an amendment. Amend section thirty-four as follows: "Section 34. This Act shall take effect on the first Monday of December, eighteen hundred and seventy-nine."

Mr. Bartlett offered a substitute for the amendment of Mr. Lewis, as follows: Amend section thirty-four, first line, by striking out the words "its passage," and inserting the words "and after July first, eighteen hundred and seventy-six," in place thereof.

On the adoption of the substitute, the ayes and noes were demanded by Messrs. Bartlett, Tuttle, and McCune, and the Senate refused to adopt the substitute, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Donovan, Edgerton, Evans, Flint, Haymond, Hilborn, Hill, Howe, Laine, Lindsey, McCoppin, McCune, McGarvey, O'Connor, Turner, and Tuttle—18.

NOES—Messrs. Beazell, Bush, Craig, Eakin, Farley, Fraser, Hendricks, Hopkins, Lewis, Martin, McCarthy, Nunan, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, and Tinnin—19.

Mr. Roach offered a substitute for the amendment offered by Mr. Lewis, as follows: Amend section thirty-four, first line, by adding after word "from," "June thirtieth, eighteen hundred and seventy-seven."

On which the ayes and noes were demanded by Messrs. Roach, Rogers, and McCoppin, and it was lost, by a vote as follows:

AYES—Messrs. Howe, Pierson, Roach, Rogers, Turner, and Tuttle—6.

NOES—Messrs. Anguey, Bartlett, Beazell, Bush, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Haymond, Hendricks, Hilborn, Hill, Hopkins, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Satterwhite, Shirley, Spencer, and Tinnin—31.

The question being on the amendment offered by Mr. Lewis, the ayes and noes were demanded by Messrs. Lewis, Satterwhite, and Tinnin, and the Senate refused to adopt it, by a vote as follows:

AYES—Messrs. Beazell, Craig, Eakin, Farley, Fraser, Hendricks, Hopkins, Lewis, Martin, McCarthy, Pierson, and Shirley—12.

NOES—Messrs. Anguey, Bartlett, Bush, Donovan, Edgerton, Evans, Flint, Haymond, Hilborn, Hill, Howe, Laine, Lindsey, McCoppin, McCune, McGarvey, O'Connor, Roach, Rogers, Satterwhite, Spencer, Tinnin, Turner, and Tuttle—24.

Mr. Donovan offered an amendment to section twenty-four: "The annual salary of the deputy for the Superintendent is one thousand five hundred dollars."

Lost.

Mr. Tinnin offered an amendment as follows: Amend section three by striking out "fifteen hundred dollars," and inserting "two thousand dollars."

Lost.

Mr. Haymond offered the following amendment: Amend section thirty-two by striking out "two thousand," and inserting "two thousand four hundred."

On which the ayes and noes were demanded by Messrs. Tinnin,

McCarthy, and McCoppin, and the amendment was adopted, by a vote as follows:

AYES—Messrs. Bartlett, Beazell, Donovan, Eakin, Farley, Fraser, Haymond, Hendricks, Hopkins, Howe, Lindsey, Martin, McCarthy, McCoppin, O'Connor, Roach, Satterwhite, Spencer, and Tuttle—19.

NOES—Messrs. Angney, Bush, Edgerton, Evans, Hilborn, Hill, Laine, Lewis, McCune, McGarvey, Numan, Pierson, Rogers, Shirley, Tinnin, and Turner—16.

Mr. Tuttle offered the following: Amend section three to read as follows: "The annual salary of the Executive Clerk is eighteen hundred dollars."

On which the ayes and noes were demanded by Messrs. Tuttle, McCune, and Angney, and the Senate refused to adopt the amendment, by a vote as follows:

AYES—Messrs. Eakin, Farley, Haymond, Hendricks, Hopkins, Howe, Martin, McCarthy, McCoppin, O'Connor, Roach, Spencer, and Tuttle—13.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Edgerton, Evans, Fraser, Hill, Laine, Lewis, Lindsey, McCune, McGarvey, Numan, Pierson, Rogers, Satterwhite, Shirley, and Turner—20.

Mr. Donovan offered the following: Amend section twenty-five to read as follows: "Section 515. The annual salary of the clerk for the Superintendent is eighteen hundred dollars."

On which the ayes and noes were demanded by Messrs. Donovan, Haymond, and McCune, and the amendment was lost, by a vote as follows:

AYES—Messrs. Bartlett, Donovan, Farley, Fraser, Haymond, Hendricks, Hill, Lewis, Martin, McCune, O'Connor, Rogers, Turner, and Tuttle—14.

NOES—Messrs. Angney, Bush, Eakin, Edgerton, Evans, Hilborn, Hopkins, Howe, Laine, Lindsey, McGarvey, Numan, Pierson, Roach, Satterwhite, Shirley, Spencer, and Tinnin—18.

Mr. Farley offered the following: Amend by striking out section thirty-three.

Lost.

Mr. Haymond offered the following: Amend section thirty-three by striking out the word "the," before "deputy," in line three, and insert "each;" and by striking out all after the word "dollars," in line three, and by inserting "fifteen," instead of "eighteen."

Lost.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. McCarthy, McCune, and McGarvey, and it was ordered engrossed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Edgerton, Evans, Fraser, Haymond, Hilborn, Hill, Howe, Laine, Lindsey, McCoppin, McCune, McGarvey, O'Connor, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—23.

NOES—Messrs. Beazell, Craig, Eakin, Farley, Flint, Hendricks, Hopkins, Lewis, Martin, McCarthy, Numan, Pierson, Roach, and Rogers—14.

Mr. Montgomery was granted indefinite leave of absence.

Mr. Bartlett submitted a minority report from the San Francisco delegation, as follows:

MR. PRESIDENT: The undersigned, from the San Francisco delegation, to whom was referred Senate Bill No. 225—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board—beg leave to present a minority report, and submit for the consideration of the Senate the following reasons why the report of a majority of the delegation should not be adopted:

*First*—The bill proposes to grant to the Board of Supervisors of the City and County of San Francisco power to allow and order paid to Mr. William P. Humphreys, the present City and County Engineer, the sum of ten thousand dollars, in payment of a claim based upon a contract with the Board of Supervisors for preparing a system of sewerage for said city and county.

*Second*—The contract upon which the claim of Mr. Humphreys is based, was entered into by the late Board of Supervisors only a few days before said Board went out of office, and without authority, or pretended authority, of law, and of which Mr. Humphreys was fully advised.

*Third*—If a complete system of sewerage for the entire city was prepared, as contemplated by the contract with Mr. Humphreys, it is extremely doubtful if it would ever be accepted by the city and carried into effect, owing to the great expense which would be necessarily involved by the disuse of the sewers already constructed, and the construction of others to take their place. The sewers already constructed have cost property owners several millions of dollars, and to construct others to take their place would cost several millions of dollars more. The undersigned believe the property owners of San Francisco are not prepared to favor a scheme involving so large an expenditure.

*Fourth*—In view of the fact that Mr. Humphreys is at present an office holder of the city, receiving large compensation for his services from fees of his office, and that there is now in his office much of the data upon which a system of sewerage must be based, the undersigned regard the sum named in the bill as altogether too large for the services to be performed.

The undersigned therefore recommend that the bill do not pass.

Respectfully submitted,

BARTLETT,  
DONOVAN.

Mr. Roach, by leave, offered the following resolution :

*Resolved*, That the use of the Senate Chamber be granted to Madame Le Vert, to give readings, on Wednesday evening, February twenty-third.

Adopted.

On motion of Mr. Edgerton, the special order set for to-day, at one o'clock p. m., being the question on the confirmation of L. Hamilton, as Trustee of the Asylum for the Deaf, Dumb, and Blind, was postponed until to-morrow, at twelve o'clock m.

Mr. Eakin submitted the following report :

MR. PRESIDENT: The Committee on Roads and Highways having had under consideration Assembly Bill No. 44—An Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two—ask leave to report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 45—An Act supplementary to an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six—report the same back, and recommend that it do not pass.

EAKIN, Chairman.

Mr. McCarthy, by leave, offered a resolution to authorize the Enrolling Clerk to appoint four assistants.

Referred to the Committee on Contingent Expenses.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows :

By Mr. McCoppin—An Act providing for the opening, filling, grading, and macadamizing of Fifteenth Avenue extension, in the City and County of San Francisco.

By Mr. Nunan—An Act to establish a female department of the County Jail, in the City and County of San Francisco.

Also, an Act authorizing and providing for appropriations and expenditures of money for certain public purposes in the City and County of San Francisco, by the Board of Supervisors thereof.

Each of the above bills were read first and second times, referred to the San Francisco delegation, and ordered printed.



Mr. Tuttle, for the Sonoma County delegation, verbally reported Senate Bill No. 316—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and Acts amendatory thereof—with amendments, recommending the adoption of the amendments, and the passage of the bill as amended.

Mr. Howe, by leave, offered a resolution as follows:

*Resolved*, That the Enrolling Clerk be instructed to enroll Senate Bill No. 15 out of its order.

Adopted.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, February 17th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, Senate Bill No. 213—An Act supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Also, on same date, passed, under suspension of the rules, Senate Bill No. 254—An Act to enable Point Pleasant School District, of Sacramento County, to pay its school teacher.

O'NEIL, Assistant Clerk.

#### ADJOURNMENT.

At five o'clock and eight minutes p. m., on motion of Mr. McGarvey, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Friday, February 18th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

#### PETITION.

Mr. Flint presented a protest from citizens and tax-payers of Monterey County, against the passage of any law further reducing the area of said county.

Received and referred to the Committee on Counties and County Boundaries.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Lewis:

MR. PRESIDENT: The Judiciary Committee have had under consideration Senate Bill No. 288—An Act to district the City of Oakland into wards—and report the same back, with amendments; and further report, that as amended, the bill is free from constitutional objection.

Also, Assembly Bill No. 122—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code—and report the same back, with a recommendation that it pass.

LEWIS, Chairman.

On motion of Mr. Lewis, the rules were suspended, and Senate Bill No. 288, above reported, taken up for consideration.

Amendments adopted in Committee of the Whole concurred in.

Mr. Lewis moved a further suspension of the rules, to consider the bill engrossed and place it on its third reading and passage.

On which the ayes and noes were demanded by Messrs. Hopkins, Laine, and Gibbons, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Beazell, Bush, Craig, Donovan, Eakin, Farley, Haymond, Hendricks, Hill, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCune, McGarvey, Montgomery, O'Connor, Roach, Satterwhite, Shirley, and Timmin—24.

NOES—Messrs. Bartlett, Edgerton, Evans, Fraser, Gibbons, Hilborn, Hopkins, McCoppin, Pierson, Spencer, Turner, and Tuttle—12.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Evans, Hilborn, and Shirley, and it passed, by a vote as follows:

AYES—Messrs. Angney, Beazell, Bush, Craig, Donovan, Eakin, Farley, Hendricks, Hill, Howe, Lewis, McCarthy, McCune, Montgomery, O'Connor, Roach, Satterwhite, Shirley, and Timmin—19.

NOES—Messrs. Bartlett, Edgerton, Evans, Flint, Fraser, Gibbons, Haymond, Hilborn, Hopkins, Laine, Lindsey, Martin, McCoppin, Pierson, Spencer, Turner, and Tuttle—17.

By Mr. Howe:

MR. PRESIDENT: The Committee on Commerce and Navigation have considered Senate Joint Resolution No. 29—Asking Congress for an appropriation to erect a light house and fog-bell at Santa Monica, Los Angeles County—report the same back, and recommend its passage.

HOWE, Chairman.

Mr. Evans, for the San Joaquin delegation, verbally reported Senate Bill No. 387—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of San Joaquin County which become due during the year eighteen hundred and seventy-six, and to provide for the payment of the same—recommending its passage.

By Mr. Flint:

MR. PRESIDENT: The Santa Cruz delegation, to whom was referred Assembly Bill No. 394—An Act to provide for the building of a school-house in Pajaro School District, in the County of Santa Cruz—ask leave to report the same back, and recommend its passage.

FLINT, for Delegation.

The bill above reported was referred to the Committee on State and County Revenue.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Farley—An Act to amend an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two.

By Mr. Edgerton—An Act for the relief of Mrs. T. M. Logan.

By Mr. Pierson—An Act to add a new article to the Political Code.

Also, an Act to provide for the appointment of Bailiffs for certain Courts in the City and County of San Francisco.

Each of the above bills read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. McCarthy submitted a resolution as follows :

*Resolved*, That the Committee on Enrollment be directed to report to this body Enrolled Bill No. 219—An Act for the relief of John Jackson, ex-Sheriff and ex officio Tax Collector of Trinity County.

Adopted.

Mr. Tuttle moved to suspend the rules, to take from the general file Senate Bill No. 316 for consideration.

So ordered.

Senate Bill No. 316—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and Acts amendatory thereof.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Shirley, the rules were suspended, and Senate Bill No. 135 taken from the general file for consideration.

Senate Bill No. 135—An Act to amend an Act entitled an Act to abate the squirrel nuisance in certain counties of the State of California, approved March tenth, eighteen hundred and seventy-four.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

#### SPECIAL ORDER.

Friday, February eighteenth, at twelve o'clock M. Senate Bill No. 2—An Act to provide for calling a convention to revise and change the Constitution of the State of California; and

Senate Bill No. 58—Proposed amendment to the Constitution of the State of California.

On motion of Mr. Edgerton, the special order was postponed until Friday, February twenty-fifth, at the same hour.

On motion of Mr. McCoppin, the rules were suspended, and Senate Bill No. 379 taken from the general file for consideration.

Senate Bill No. 379—An Act in relation to the manufacture of acids and explosive chemicals in the City and County of San Francisco, and other purposes.

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Pierson, the rules were suspended, and Senate Bill No. 109 taken from the general file and ordered printed.

Mr. Pierson moved that Senate Bills Nos. 109 and 322 be ordered to the head of the general file after Senate Bill No. 109 shall have been printed.

Lost.

Mr. Lewis moved that the rules be suspended, and that Senate Bills Nos. 25 and 321 be taken from the general file and referred to the Judiciary Committee, with instructions to report the same on Thursday morning next.

So ordered.

Mr. Hilborn moved a suspension of the rules, to take from the general file Assembly Bill No. 169, and that it be referred to the Judiciary Committee.

Carried.

Mr. Turner offered a joint resolution, asking Congress to prevent the discrimination in the transportation of freights on the Central and Union Pacific Railroads.

Read first and second times and referred to the Committee on Federal Relations.

Mr. Craig submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, February 18th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 352—An Act to incorporate the Town of Haywards.

Also, Senate Bill No. 249—An Act concerning St. Luke's Hospital Association.

Also, Senate Bill No. 186—An Act in relation to sales and conveyances of the Mutual Real Estate Company.

Also, Senate Bill No. 197—An Act to amend an Act entitled an Act to incorporate the City of Visalia, and provide for public schools therein, approved February twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 331—An Act to grant further powers to the Trustees of the City of Benicia.

CRAIG, for Committee.

Mr. Edgerton offered a resolution as follows:

*Resolved*, That Miss Sallie Hart be allowed the use of the Senate Chamber on Monday evening, February twenty-eighth, eighteen hundred and seventy-six, for the purpose of delivering a literary lecture.

Adopted.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, February 18th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 219—An Act for the relief of John Jackson, ex-Sheriff and ex officio Tax Collector of Trinity County—and on this eighteenth day of February, eighteen hundred and seventy-six, at twelve o'clock M., presented the same to his Excellency for his approval.

MCCARTHY, Chairman.

#### GENERAL FILE.

Senate Bill No. 248—An Act to provide for a Keeper of the State Capitol and Capitol grounds.

On motion of Mr. O'Connor, the bill was referred to Mr. Satterwhite, with instructions to incorporate certain amendments heretofore proposed by him to the bill.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 18th, 1876. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I nominate F. W. Hatch, M. D., a resident of the City of Sacramento, vice T. M. Logan, deceased, as a member of the State Board of Health.

Also, nominate Joseph G. Wall, a resident of the County of Del Norte, vice John D. Schmidt, term expired, as Brigadier-General of the Sixth Brigade, National Guard.

And respectfully ask that the Senate advise and consent to their appointment.

WILLIAM IRWIN, Governor.

The Senate went into executive session to consider the appointments.



Upon the question, "Will the Senate advise and consent to the appointment of F. W. Hatch, M. D., vice T. M. Logan, deceased, as a member of the State Board of Health?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Hill, Hopkins, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, Roach, Rogers, Satterwhite, Shirley, and Spencer—29.  
 NOES—None.

Whereupon the Chair announced the appointment of F. W. Hatch, M. D., as a member of the State Board of Health, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Joseph G. Wall, vice John D. Schmidt, term expired, as Brigadier-General of the Sixth Brigade, National Guard?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Eakin, Evans, Flint, Fraser, Gibbons, Hendricks, Hill, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, Rogers, Satterwhite, Shirley, Spencer, Timm, and Tuttle—29.  
 NOES—None.

Whereupon the Chair announced the appointment of Joseph G. Wall, as a Brigadier-General, duly confirmed.

Mr. Gibbons, for the Committee on Federal Relations, verbally reported Senate Concurrent Resolutions Nos. 22 and 25; also, Assembly Concurrent Resolutions Nos. 9, 26, and 27—recommending the adoption of the resolutions.

The rules were suspended, and the resolutions above reported taken up for consideration.

Senate Concurrent Resolution No. 22—Asking an appropriation to erect a light-house and fog-bell in the Straits of Carquinez.

Senate Concurrent Resolution No. 25—Concerning the Oakland Harbor.

The resolutions were considered severally.

Rules suspended, considered engrossed, each read third time, and adopted.

Assembly Concurrent Resolution No. 9—Relative to the tax on native grape brandy.

Assembly Concurrent Resolution No. 26—Relative to the establishment of a mail route from the Town of Susanville, by the way of Horselake Valley and the South Fork of Pit River, and Dorris bridge on Dorris Creek, to Willow Ranch, in the State of California.

Assembly Concurrent Resolution No. 27—Relative to the establishment of a mail route, and ordering service thereon, from Winnemucca, in the State of Nevada, by way of Varyville, to Lake City, California.

The resolutions were severally considered, each read third time, and concurred in.

On motion of Mr. Gibbons, the rules were further suspended, and the resolutions ordered transmitted to the Assembly immediately.

#### SPECIAL ORDER.

Friday, February eighteenth, at one o'clock P. M. Question on confirmation of L. Hamilton, as Trustee of the Asylum for the Deaf, Dumb, and Blind.

The Senate went into executive session to consider the appointment.

Upon the question, "Will the Senate advise and consent to the appointment of L. Hamilton (made by a predecessor of the present Governor), vice Hayes, term expired, as a Trustee of the Deaf, Dumb, and Blind Asylum?" the roll was called, with the following result:

AYES—Messrs. Bartlett, Evans, Flint, Fraser, Gibbons, Martin, Spencer, and Turner—8.

NOES—Messrs. Angney, Bush, Farley, Hendricks, Hilborn, Laine, Lindsey, McCoppin, McCune, Montgomery, Numan, O'Connor, Roach, Rogers, Satterwhite, Shirley, Timmin, and Tuttle—18.

Whereupon the Chair announced the appointment of L. Hamilton, as a Trustee of the Asylum for the Deaf, Dumb, and Blind, rejected by the Senate.

#### RECESS.

At one o'clock and five minutes P. M., on motion of Mr. Lindsey, the Senate took a recess until two o'clock P. M.

#### RE-ASSEMBLED.

At two o'clock P. M., the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

Mr. Tinnin offered the following resolution:

*Resolved*, That the resolution passed by the Senate on February seventeenth, eighteen hundred and seventy-six, allowing Madame Le Vert the use of the Senate Chamber on February the twenty-third, and the resolution passed on the eighteenth of February, allowing the use of the Senate Chamber to Miss Sallie Hart, be and are hereby rescinded.

Mr. Haymond moved to lay the resolution on the table.

On which the ayes and noes were demanded by Messrs. Tinnin, Haymond, and O'Connor, and the motion prevailed, by a vote as follows:

AYES—Messrs. Bartlett, Craig, Edgerton, Evans, Farley, Flint, Gibbons, Haymond, Hilborn, Hopkins, Laine, McCoppin, McGarvey, Montgomery, Pierson, Roach, Rogers, Shirley, Spencer, and Turner—20.

NOES—Messrs. Angney, Beazell, Bush, Eakin, Fraser, Hill, Howe, Lewis, Lindsey, Martin, McCune, O'Connor, Satterwhite, Tinnin, and Tuttle—15.

Mr. Graves was granted leave of absence for two days.

#### GENERAL FILE RESUMED.

Senate Bill No. 185—An Act to amend the Civil Code.

Read third time and passed.

Senate Bill No. 242—An Act to amend section one hundred and seventeen of the Code of Civil Procedure.

Amended.

Rules suspended, considered engrossed, read third time, and passed.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I nominate, and respectfully ask the Senate to advise and consent to the appointment of Henry H. Haight, vice L. Hamilton, not confirmed by the Senate, as a member of the Board of Trustees of the Asylum for the Deaf, Dumb, and Blind.

WILLIAM IRWIN, Governor.

The Senate went into executive session to consider the appointment.

Upon the question, "Will the Senate advise and consent to the appointment of Henry H. Haight, vice L. Hamilton, as a member of the Board of Trustees of the Asylum for the Deaf, Dumb, and Blind?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Lamm, Lewis, Lindsey, Martin, McCoppin, McChane, McFarvey, Montgomery, Naman, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—37.

NOES—None.

Whereupon the Chair announced the appointment of Henry H. Haight, as a member of the Board of Trustees of the Asylum for the Deaf, Dumb, and Blind, duly confirmed.

#### GENERAL FILE RESUMED.

Senate Bill No. 245—An Act to repeal an Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, Santa Clara, Solano, Sonoma, and Siskiyou Counties from the payment of poll taxes, approved March twenty-seventh, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 22—An Act to repeal section one thousand eight hundred and eighty-two of the Code of Civil Procedure.

Reported from the Committee of the Whole, and passage recommended.

Mr. Haymond moved to refer the bill to the Judiciary Committee. Lost.

Mr. Haymond offered an amendment. Amend section one to read as follows: "Section 1. Section one thousand eight hundred and eighty-two of the Code of Civil Procedure is amended to read as follows: Section 1882. If a person offer himself as a witness, that is to be deemed a consent to the examination of an attorney, within the meaning of the last section."

Lost.

Mr. Hendricks made a report as follows:

ASSEMBLY CHAMBER,  
SACRAMENTO, February 18th, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 288—An Act entitled an Act to district the City of Oakland into wards.

HENDRICKS, for Committee.

Assembly Bill No. 22 continued.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Donovan, Haymond, and Tuttle, and it passed, by a vote as follows:

AYES—Messrs. Bartlett, Beazell, Bush, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Hilborn, Hopkins, Howe, Laine, Lewis, Lindsey, McCoppin, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle—28.

NOES—Messrs. Anguey, Craig, Donovan, Haymond, Hill, Martin, McCune, Spencer, and Turner—9.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows :

By Mr. Donovan—An Act for the relief of Edward Donnelly.

By Mr. Nunan—An Act for the relief of Richard H. Stretch.

Each read first and second times and referred to the San Francisco delegation.

By Mr. Edgerton—An Act in relation to the deposit of securities by foreign insurance companies.

Read first and second times and referred to the Committee on Corporations.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, 1  
SACRAMENTO, February 18th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 342—An Act to regulate the compensation of certain attachés of the Assembly, and to abolish certain offices therein named, and to provide for the performance of the duties of offices so abolished.

Also, that the Assembly concurred in Senate amendments to Assembly Bill No. 323.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, 1  
SACRAMENTO, February 18th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed substitute for Senate Bill No. 75—An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda, passed March thirtieth, eighteen hundred and seventy-four.

Also, on this date, passed Senate Bill No. 335—An Act for the relief of the widow and family of the late James W. Mandeville, Controller of the State of California.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 342, above reported, read first and second times and referred to the Judiciary Committee.

Substitute for Senate Bill No. 75, above reported, referred to the Alameda delegation.

Mr. Tuttle, by leave, withdrew Senate Bill No. 62—An Act to amend certain sections of the Political Code, to repeal certain sections of said Code, and add a new section thereto, all relating to salaries.

On motion of Mr. Edgerton, Assembly Bill No. 1 was taken from the general file and made a special order for Wednesday, the twenty-first instant, at one o'clock P. M.

At five o'clock P. M. Mr. Satterwhite moved to adjourn.

Lost.

Assembly Bill No. 162—An Act to add another section to the Penal Code, Chapter II., Title IX., Part I.

Read third time and passed.



## ADJOURNMENT.

At five o'clock and five minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,

Saturday, February 19th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read, corrected, and approved.

Mr. Beazell, by leave, offered a resolution as follows :

*Resolved*, That the Enrolling Clerk of the Senate be directed to enroll Senate Bill No. 288 out of its order.

Adopted.

## PETITIONS.

Petitions were presented as follows :

By Mr. Roach—A petition praying the passage of a bill making an appropriation for the National Centennial Exhibition in Philadelphia.

Received and referred to the Committee on Finance, and ordered printed.

By Mr. Howe—A protest from property owners of South San Francisco, against the extension of Fifteenth Avenue, in said city.

Received and referred to the San Francisco delegation.

Mr. Timmin presented a petition from residents of Trinity County, asking the passage of a law to set off or transfer the southwestern portion of that county to Humboldt County.

Received and referred to the Humboldt and Mendocino delegation.

Mr. Shirley presented a petition from tax-payers and voters of Marin County, asking that said county be not excluded from any law authorizing the Board of Supervisors to fix and determine the rates to be paid by consumers of water.

Received and referred to the Committee on Corporations.

Mr. Lindsey, by leave, introduced a bill as follows: An Act to provide for the issuance of the bonds of the County of Kern for the payment of the indebtedness of said county.

Read first and second times and referred to the Committee on State and County Revenue, with the accompanying petition.

Mr. Lewis offered a resolution as follows :

*Resolved*, That when the Senate adjourns this day, it adjourns to meet on Wednesday, the twenty-third instant, at one o'clock P. M.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. McCoppin, Craig, and Howe, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Benzell, Craig, Donovan, Farley, Flint, Hilborn, Hill, Hopkins, Howe, Lewis, McCarthy, McCoppin, McGarvey, Numan, Pierson, Rogers, and Satterwhite—18.

NOES—Messrs. Anguey, Bush, Eakin, Edgerton, Fraser, Haymond, Hendricks, Laine, Lindsey, Martin, McTune, Montgomery, O'Connor, Roach, Shirley, Spencer, Thum, Turner, and Tuttle—19.

Mr. Evans was granted leave of absence for two days.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Tuttle:

MR. PRESIDENT: The Committee on Education have considered Senate Bill No. 204—An Act to add a new section to the Political Code—herewith report it back, with an amendment, and a majority recommend the adoption of the amendment, and the passage of the bill as amended.

TUTTLE, Chairman.

By Mr. Numan:

SENATE CHAMBER,  
SACRAMENTO, FEBRUARY 19TH, 1876.

MR. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Assembly Bill No. 227—An Act to amend an Act entitled an Act supplemental to an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February twelfth, eighteen hundred and seventy-four, approved March eighteenth, eighteen hundred and seventy-four—having carefully considered said bill, have amended the same, and respectfully report it back, and recommend its passage as amended.

Also, Assembly Bill No. 10—An Act in relation to the county officers of Colusa County, their fees and salaries—having carefully considered said bill, have amended the same, respectfully report it back, and recommend its passage as amended.

Also, Assembly Bill No. 285—An Act to fix the compensation of the Assessor of Inyo County—having carefully considered the same, have drafted a substitute therefor, and respectfully report said bill back, and recommend the passage of the substitute.

Also, Assembly Bill No. 314—An Act to provide for funding the indebtedness of Levee District Number Two, of Sutter County—having carefully considered and amended said bill, respectfully report the same back, and recommend its passage as amended.

Also, Assembly Bill No. 315—An Act to define the boundary and provide for the government of Levee District Number Two, of Sutter County—having carefully considered and amended said bill, respectfully report it back, and recommend its passage as amended.

NUNAN, Chairman.

On motion of Mr. Eakin, the rules were suspended, and Assembly Bill No. 285, above reported, taken up for consideration.

Read third time and passed.

Assembly Bill No. 10, above reported, was, on motion of Mr. Lewis, taken up under a suspension of the rules, and referred to the Colusa County delegation.

On motion of Mr. O'Connor, the rules were suspended, and Assembly Bills Nos. 314 and 315, above reported, were taken up for consideration.

Assembly Bill No. 314.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

Assembly Bill No. 315.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

By Mr. Farley :

SACRAMENTO, February 19th, 1876.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 212—An Act to reincorporate the City of Santa Cruz—report the same back, with amendments, respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

FARLEY, Chairman.

#### REPORTS OF SELECT COMMITTEES.

Mr. Satterwhite verbally reported Senate Bill No. 248, with amendments.

The bill was ordered to the head of the general file.

By Mr. Flint :

MR. PRESIDENT: The Santa Cruz delegation, to whom was referred Assembly Bill No. 373—An Act to provide for the payment of claims against the City of Santa Cruz—ask leave to report the same back, and recommend its passage, and recommend its reference to the Committee on Claims.

FLINT, for Delegation.

The bill was so referred.

By Mr. Roach :

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 143—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose—have considered the same, and recommend its passage.

Also, have considered Assembly Bill No. 38—An Act to authorize the appointment of an additional interpreter for the criminal Courts of the City and County of San Francisco—and recommend its passage.

Also, have considered Assembly Bill No. 40—An Act to provide for the care and maintenance of inebriates in the City and County of San Francisco—and recommend its passage as amended.

Also, have considered Assembly Bill No. 146—An Act for the relief of James H. Clarke—and recommend its passage.

Also, have considered Assembly Bill No. 279—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco—and recommend its indefinite postponement.

Also, have considered Senate Bill No. 311—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint and license Public Weighers for said city and county—and recommend that it be printed and re-referred to the delegation.

Also, have considered Senate Bill No. 355—An Act to open and establish a public street in the City and County of San Francisco, to be called Seventh street; to take private lands therefor, and to grade, macadamize, and improve a portion of Seventh street—and recommend that it be printed and re-referred to the delegation.

Also, have considered Senate Bill No. 367—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose—and recommend that it do not pass.

Also, have considered Senate Bill No. 57—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—and recommend its passage.

ROACH, Chairman.

Senate Bills Nos. 311 and 355, above reported, were referred to the San Francisco delegation, and ordered printed.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly :

ASSEMBLY CHAMBER.

SACRAMENTO, February 19th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, Senate Bill No. 288—An Act to district the City of Oakland into wards.

Also, amended and passed Senate Bill No. 169—An Act to establish water rates in the City and County of San Francisco.

Also, amended and passed Senate Bill No. 56—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, on same date, passed Senate Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma, approved January sixth, eighteen hundred and seventy-two.

Also, on this date, adopted Assembly Concurrent Resolution No. 38—Relative to requesting the Governor to return to the Assembly Assembly Bill No. 291, for correction.

Also, on February eighteenth, passed Assembly Bill No. 113—An Act to repeal an Act entitled an Act to enforce the educational rights of children.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 38 concurred in.

Assembly Bill No. 113, above reported, read first and second times and referred to the Committee on Education.

Senate Bills Nos. 169 and 56, above reported, with Assembly amendments, were referred to the San Francisco delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. McCoppin—An Act granting to the Omnibus Railroad Company certain rights therein named.

Read first and second times and referred to the San Francisco delegation.

By Mr. Edgerton—An Act to repeal section six hundred and thirty-five of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

By Mr. McCarthy—An Act to authorize certain parties to construct a tunnel under Alamo Square, for a street railroad, in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Fraser (by request)—An Act to provide for levying and collecting a tax in Levee District Number Five, Sutter County, and for paying the salaries due the late State Board of Reclamation Fund Commissioners.

Read first and second times and referred to the Committee on Swamp and Overflowed lands.

By Mr. Lewis—An Act to amend the fifty-ninth section of the Code of Civil Procedure, fixing the terms of Court of the Second Judicial District.

Read first and second times.

Rules suspended, considered engrossed, read third time, and passed.

Rules further suspended, and ordered to the Assembly without engrossment.

By Mr. Angney—An Act to authorize the City of San José to issue bonds to provide sewerage for said city.

Read first and second times and referred to the Committee on Corporations.

By Mr. Lewis—An Act to authorize the Board of Trustees of the Town of Colusa to aid in the construction of a branch railroad.

Read first and second times and referred to the Judiciary Committee.



By Mr. Craig—An Act for the relief of J. L. Haskell.

Read first and second times and referred to the San Francisco delegation.

By Mr. Bush (by request)—An Act confirming a water-right and mill privilege to certain persons in the County of Ventura.

Read first and second times and referred to the Judiciary Committee.

By Mr. Rogers—An Act for the relief of Philip Cosgrove.

Read first and second times and referred to the San Francisco delegation.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. McCoppin offered a resolution as follows:

*Resolved*, That the Enrolling Clerk be and he is hereby authorized to enroll Senate Bill No. 213 out of its order.

Adopted.

By Mr. Haymond:

*Resolved*, That the Judiciary Committee, in its report upon Senate Bill No. 343, communicate to the Senate its opinion as to the conditions under which the Congress of the United States granted, and the State of California accepted, the reservation from the public domain known as "the Yosemite Valley," as defined in the Act of Congress of June thirtieth, eighteen hundred and sixty-four, and in the Act of the Legislature of California of April second, eighteen hundred and sixty-six, making and accepting this grant and providing for its control and management. And also, whether, under the terms of the Act of Congress making said grant and creating the trust in connection therewith, and the Act of the Legislature of this State accepting the grant and undertaking to administer the trust created by Congress, the State of California has not divested itself of the power, through its Legislature, to manage and control the territory comprised within said grant known as the "Yosemite Valley," and fully conferred this power on the Governor of the State and the other Commissioners appointed by him. And if so, whether this power can be resumed and exercised by the State, as in the legislation proposed by Senate Bill No. 343, without the sanction and approval of Congress.

Adopted.

By Mr. Edgerton:

*Resolved*, That the Committee on Finance be and it is hereby instructed to consider the subject of requiring banking corporations to pay a license tax, and of imposing a stamp tax on certificates of stock in all corporations and to report a bill at an early day providing therefor.

Adopted.

By Mr. McCarthy:

WHEREAS, The twenty-second day of February, eighteen hundred and seventy-six, is the one hundred and forty-fourth anniversary of the birth of the Father of our Country; and whereas, his memory is ever dear to every true American; therefore, be it

*Resolved*, That when the Senate adjourns this day, it will adjourn to meet on the twenty-third day of February, at twelve o'clock M.

Mr. O'Connor moved a call of the Senate.

On which the ayes and noes were demanded by Messrs. O'Connor, McCoppin, and Lewis, and the call was ordered, by a vote as follows:

AYES—Messrs. Anguey, Bush, Donovan, Eakin, Edgerton, Flint, Fraser, Haymond, Hendricks, Lane, Lindsey, McCune, Montgomery, O'Connor, Shirley, Spencer, Tamm, and Tuttle—18.

NOES—Messrs. Bartlett, Beazell, Farley, Halborn, Hill, Hopkins, Lewis, McCarthy, McCoppin, McGarvey, Numan, Pierson, Roach, Rogers, and Turner—15.

On motion of Mr. Haymond, further proceedings under the call were dispensed with.

Mr. Haymond offered an amendment to the resolution of Mr.

McCarthy, as follows: "That when the Senate adjourns on Monday next, it adjourns to meet again on Wednesday, the twenty-third instant, at three o'clock P. M."

Amendment adopted, and the resolution adopted as amended.

By Mr. Roach:

*Resolved*, That the Committee on Public Morals report back Senate Bill No. 37—An Act to amend section two hundred and forty-nine of the Penal Code.

Adopted.

#### GENERAL FILE.

Senate Bill No. 248—An Act to provide for a Keeper of the State Capitol and Capitol grounds.

Reported from the Committee of the Whole with amendments.

Amendments concurred in.

Mr. Lewis moved to reconsider the vote by which the bill was ordered engrossed.

Carried.

Sections seven and three of the bill were amended, on motion of Mr. Haymond.

Section five was amended, on motion of Mr. Satterwhite.

Rules suspended, considered engrossed, read third time, and passed.

The special order set for Wednesday, February twenty-third, at one o'clock P. M., being Assembly Bill No. 1—An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes—was postponed until Thursday, the twenty-fourth instant, at twelve o'clock M.

Senate Bill No. 249—An Act concerning St. Luke's Hospital Association.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. O'Connor, Haymond, and Edgerton, and it passed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Craig, Edgerton, Flint, Fraser, Hendricks, Hopkins, McCoppin, McGarvey, Montgomery, Nunan, Pierson, Rogers, Tinnin, Turner, and Tuttle—17.

NOES—Messrs. Bush, Farley, Haymond, Laine, Landsey, McCarthy, McCune, O'Connor, Satterwhite, and Spencer—10.

Mr. Tinnin gave notice of a motion to reconsider the vote by which the bill passed.

Assembly Bill No. 119 was referred to the Judiciary Committee.

At two o'clock and ten minutes P. M., Mr. Bartlett moved to adjourn until Monday next, at three o'clock P. M.

Lost.

[President pro tem. in the chair.]

Senate Bill No. 251—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 214—An Act to add a new section to the Penal Code, to be numbered section two hundred and fourteen; and

Senate Bill No. 236—An Act to prevent the adulteration of food, drinks, and drugs;

Each indefinitely postponed.

Assembly Bill No. 186—An Act to amend section three hundred and ninety-eight of the Penal Code, relative to selling fire-arms to Indians; and

Assembly Bill No. 120—An Act to amend section three hundred and ninety-seven of the Penal Code;

Each indefinitely postponed.

Mr. Gibbons was granted leave of absence for one day.

Senate Bill No. 144—An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles.

Referred to the Judiciary Committee.

Assembly Bill No. 64—An Act to amend section three hundred and ninety-two of the Code of Civil Procedure.

Amendments adopted.

Read third time and passed.

Senate Bill No. 54—An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs.

Ordered engrossed.

Senate Bill No. 206—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the management and sale of lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight, the Act amended having been approved April fourth, eighteen hundred and seventy.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Title amended.

Senate Bill No. 104—An Act to amend section fifty-nine of the Civil Code of the State of California.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 127—An Act to amend sections ninety-two, one hundred and twenty-four, one hundred and forty-six, and one hundred and forty-seven, and to repeal sections ninety-four to one hundred and seven, inclusive, and sections one hundred and eighteen, one hundred and nineteen, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, and one hundred and forty-four of the Civil Code, in relation to divorces.

On motion of Mr. Pierson, the bill was made a special order for Friday, the twenty-fifth instant, at twelve o'clock M.

Senate Bill No. 252—An Act to amend section one thousand and fifty-five of the Political Code.

On motion of Mr. Timmin, the bill was referred to Mr. Laine, with special instructions to amend, and that the bill be placed at the head of the general file for Wednesday, the twenty-third instant.

Senate Bill No. 301—An Act to provide for the redemption of unused and uncanceled stamps of the State of California heretofore sold.

Amendment adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Mr. McCarthy submitted a report as follows:

#### SENATE CHAMBER.

SACRAMENTO, February 19th, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 213—An Act supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 288—An Act entitled an Act to district the City of Oakland into wards. And on this nineteenth day of February, eighteen hundred and seventy-six, at two o'clock and forty-five minutes P. M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

Senate Bill No. 270—An Act to add a new section to the Penal Code, to be designated as section two hundred and fifty-eight.

On motion of Mr. Pierson, the bill was made a special order for Tuesday, the twenty-ninth instant, at twelve o'clock M.

#### ADJOURNMENT.

At three o'clock and five minutes P. M., on motion of Mr. McGarvey, the Senate adjourned until Monday, the twenty-first instant, at three o'clock P. M.

#### IN SENATE.

SENATE CHAMBER, }  
Monday, February 21st, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and no quorum present.

#### ADJOURNMENT.

At three o'clock and seven minutes P. M., on motion of Mr. O'Connor, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER, }  
Tuesday, February 22d, 1876. }

Senate met pursuant to adjournment.

Mr. O'Connor in the chair.

Roll called, and no quorum present.

#### ADJOURNMENT.

At eleven o'clock and three minutes A. M., on motion of Mr. Turner, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER, }  
Wednesday, February 23d, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and no quorum present.



## RECESS.

At eleven o'clock and five minutes A. M., on motion of Mr. Laine, the Senate took a recess until three o'clock P. M.

## RE-ASSEMBLED.

Senate re-assembled at three o'clock P. M.

President in the chair.

Roll called, and a quorum present.

Journal of Saturday, nineteenth instant, read and approved.

Journal of Monday, twenty-first instant, read and approved.

Journal of Tuesday, twenty-second instant, read and approved.

Mr. Gibbons was granted indefinite leave of absence, on account of sickness.

Messrs. Farley and Hopkins were granted leave of absence for one day each.

## PETITIONS.

Mr. Satterwhite presented petitions and protests from citizens of San Bernardino County, for and against the passage of the "no-fence law," or "herd law," applicable to that county.

Received and referred to the Committee on Agriculture.

## REPORTS OF STANDING COMMITTEES.

By Mr. Eakin:

MR. PRESIDENT: The Committee on Roads and Highways have had under consideration Assembly Bill No. 268.—An Act concerning roads and highways in the County of Sonoma—herewith report the same back, with amendments, and recommend the adoption of the amendments, and passage of the bill as amended.

EAKIN, Chairman.

On motion of Mr. Tuttle, the rules were suspended, and the bill above reported taken up for consideration.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

By Mr. Bush:

MR. PRESIDENT: The Hospital Committee, to whom was referred Assembly Bill No. 25—An Act to provide for the further management of the Napa State Asylum for the Insane—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

BUSH, Chairman.

By Mr. Craig:

SENATE CHAMBER.

SACRAMENTO, February 23d, 1876. )

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Joint Resolution No. 13—Relative to the Atlantic and Pacific Railroad Reserve.

Also, Senate Bill No. 315—An Act to amend certain sections and to repeal certain sections of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning the salaries of civil executive officers of the State.

Also, Senate Bill No. 155—An Act to amend an Act entitled an Act to abate the squirrel nuisance in certain counties of the State of California, approved March tenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 379—An Act in relation to the manufacture of acids and explosive chemicals in the City and County of San Francisco, and other purposes.

Also, Senate Bill No. 316—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and Acts amendatory thereof.

CRAIG, for Committee.

By Mr. McCarthy :

SENATE CHAMBER,  
SACRAMENTO, February 23d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a certain new section thereto—and on this twenty-third day of February, eighteen hundred and seventy-six, at three o'clock P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Satterwhite :

MR. PRESIDENT: The San Bernardino and San Diego delegation, to whom was referred Assembly Bill No. 231, herewith report the same back, with amendments, and recommend that the amendments be adopted, and the bill passed as amended. Also, recommend that the bill and proposed amendments be referred to the Committee on Agriculture.

SATTERWHITE, for Delegation.

The bill was so referred.

Mr. Laine, to whom was referred Senate Bill No. 252—An Act to amend section one thousand and fifty-five of the Political Code—with special instructions to amend, verbally reported the bill, with a substitute therefor, recommending the passage of the substitute.

The bill and substitute took their place at the head of the general file.

By Mr. Hill :

SENATE CHAMBER,  
SACRAMENTO, February 23d, 1876. }

MR. PRESIDENT: The Sonoma delegation, to whom was referred Assembly Bill No. 408—An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend the charter of the City of Healdsburg, approved March twenty-sixth, eighteen hundred and seventy-four—have had the same under consideration, and respectfully report the same back, and recommend the passage of the bill.

HILL, for Delegation.

On motion of Mr. Tuttle, the rules were suspended, and the bill above reported taken up for consideration.

Read third time and passed.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
SACRAMENTO, February 23d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the sixteenth day of February, A. D. eighteen hundred and seventy-six, passed Assembly Bill No. 324—An Act to legalize the assessment, equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein.

Also, Assembly Bill No. 75—An Act for the payment of the claim of A. L. Bancroft & Co.

Also, Assembly Bill No. 165—An Act to reduce the number of the Board of Supervisors of Yuba County.

Also, Assembly Bill No. 424—An Act fixing the time of electing School Trustees in the County of Sutter.

Also, on the seventeenth, passed Assembly Bill No. 429—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in the County of Sonoma.

Also, on the nineteenth, passed Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 331—An Act to grant further powers to the Trustees of the City of Benicia.

Also, Senate Bill No. 271—An Act to amend an Act entitled an Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta, approved March eighteenth, eighteen hundred and seventy-four.

Also, refused to pass Senate Bill No. 31—An Act concerning the office of County Clerk of the City and County of San Francisco.

Also, herewith return Assembly Bill No. 178, the same having been ordered returned to the Assembly for engrossment.

O'NEIL, Assistant, Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bills Nos. 178, 165, 424, and 429, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bills Nos. 324 and 294, above reported, were each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 75, above reported, read first and second times and referred to the Committee on Claims.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Pierson—An Act to authorize the Police Judge of the City and County of San Francisco to transfer actions to the Justices' Courts thereof.

Read first and second times and referred to the San Francisco delegation.

By Mr. Satterwhite—An Act to amend an Act to create the Eighteenth Judicial District, and for other purposes, approved February twentieth, eighteen hundred and seventy-two.

By Mr. Eakin—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a new section thereto.

Each of the above bills were read first and second times and ordered on file.

By Mr. Haymond—An Act in relation to the State Burying-ground.

Read first and second times and referred to the Committee on Internal Improvements.

Also, an Act to amend section six hundred and fifty-three of the Code of Civil Procedure.

Also, an Act to add another section to the Penal Code.

Each of the above bills were read first and second times and referred to the Judiciary Committee.

By Mr. Laine—An Act to amend and renumber section one thousand five hundred and fifty-two, added to the Political Code by an Act, approved March thirteenth, eighteen hundred and seventy-four, entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California.

Read first and second times, rules suspended, and the bill taken up for consideration.

Amended.

Rules further suspended, considered engrossed, read third time, and passed.

## MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Haymond, the rules were suspended, and Senate Bill No. 246 taken up from the general file.

Mr. Haymond offered a substitute, and moved the reference of the bill and substitute to the Committee on Swamp and Overflowed Lands.

So ordered.

On motion of Mr. Lewis, the rules were suspended, and Senate Bill No. 313 was taken up from the general file.

Mr. Lewis offered a substitute, and moved the reference of the bill and substitute to the Judiciary Committee.

So ordered.

On motion of Mr. Hill, Assembly Bills Nos. 44 and 45 were taken from the general file, under suspension of the rules, and referred to the Judiciary Committee.

By Mr. Shirley:

*Resolved by the Senate, the Assembly concurring.* That the Enrolling Clerk of the Senate be instructed to correct the engrossed copy of Senate Bill No. 100, before transmitting the same to the Governor for his signature, by inserting in line one hundred and fifteen, section seven of the same, after the word "dollars," the words "per day."

Adopted.

Rules suspended, and the resolution ordered transmitted immediately to the Assembly.

On motion of Mr. Pierson, Senate Bill No. 109 was ordered second, and Senate Bill No. 322 third, on the general file for to-morrow.

## GENERAL FILE.

Senate Bill No. 252—An Act to amend section one thousand and fifty-five of the Political Code.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 125—An Act to add three sections to the Political Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two.

Recommitted to the Judiciary Committee.

Senate Bill No. 257—An Act to amend section six hundred and sixty-five of the Code of Civil Procedure;

Senate Bill No. 264—An Act to aid the establishment of a law library in the Town of San Bernardino; and

Assembly Bill No. 63—An Act to add another section to the Political Code, relating to the powers and restrictions of Boards of Supervisors:

Were considered severally, and each indefinitely postponed.

Report of Committee on Contingent Expenses, on expenses of contested election of *Ward v. Montgomery*, passed on file.

Senate Bill No. 304—An Act to amend section one thousand five hundred and seventy-seven of the Political Code, in relation to the change of boundaries of school districts.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 219—An Act to change the name of Tule River School District, in the County of Tulare, to that of Porterville School District, and to provide for additional school facilities therein.



Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

On motion of Mr. McCarthy, all absentees were granted leave of absence until to-morrow morning.

At four o'clock and thirty-five minutes p. m., Mr. McCarthy moved to adjourn.

Lost.

Assembly Bills Nos. 275 and 19 were passed on file.

Senate Bill No. 244—An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, additional powers.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 216—An Act to establish and define the powers and duties of the Board of Education of Grass Valley School District, in the County of Nevada, the said district including the Town of Grass Valley.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Bush, Assembly Bill No. 25, reported to-day from the Hospital Committee, was ordered fourth on the general file for to-morrow.

Senate Bill No. 44—An Act for the relief of J. J. Conlin.

Amendment adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 240—An Act to amend an Act entitled an Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office, approved March thirtieth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 253 ordered at the foot of the general file.

#### ADJOURNMENT.

At five o'clock and ten minutes p. m., on motion of Mr. Howe, the Senate adjourned: when the President announced that the Senate would meet at ten o'clock a. m. to-morrow, under a resolution adopted on the seventeenth instant.

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#### IN SENATE.

SENATE CHAMBER.

Thursday, February 24th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

On motion of Mr. Edgerton, the special order of to-day, being consideration of Assembly Bill No. 1, was postponed until to-morrow, at two o'clock p. m.

## REPORT OF STANDING COMMITTEE.

A report was submitted as follows :

By Mr. Angney :

MR. PRESIDENT: The Committee on Public Lands, to whom was referred Assembly Bill No. 201—An Act in relation to boundary fences and the trespass of animals in the County of San Mateo—have considered the same, and report it back, with a recommendation that it pass.

ANGNEY, Chairman.

## REPORT OF SELECT COMMITTEE.

By Mr. Pierson :

MR. PRESIDENT: The undersigned, a minority of the San Francisco delegation, to which delegation was referred Senate Bill No. 103—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose—have had the same under consideration, and herewith report their views thereon :

*First*—The measure proposes the purchase or condemnation of private property for the purpose of maintaining water-works, and no limit whatever is fixed in the bill to the amount to be paid therefor. Inasmuch as proposals have heretofore been submitted to the Board of Supervisors of that city and county to furnish water-works, none of which exceeded about ten millions of dollars, it seems to us that illimitable power to purchase should not be bestowed, as it is by this bill.

*Second*—No Board of Commissioners is created by this bill, but the prevailing idea seems to be to permit the persons called Commissioners to act as individuals, and not as a Board.

*Third*—It would seem that the gentlemen who are thus styled Commissioners are to acquire the water rights and property, not for the city and county, but for themselves; and while this was probably not the intention of the framers of the bill, it certainly is susceptible of that construction.

*Fourth*—The bill provides that if the Mayor, City and County Attorney, and Tax Collector fail to agree upon a purchase, then they shall appoint certain other persons as Commissioners, the owners of water rights shall appoint certain persons, and the County Judge shall appoint another person. The constitutionality of this portion of the Act is extremely questionable. The power to condemn is clearly "a special proceeding" under the Constitution, and it seems to us as clearly must be exercised by a Court.

*Fifth*—While the bill probably intends the submission of the ultimate question of purchase or non-purchase to the electors of San Francisco, the bill either adroitly or unintentionally makes the purchase entirely independent of the election. It would seem from the bill that after the purchase is completed, the people are to have an opportunity of indulging in the luxury of exercising the elective franchise, without being permitted, by even a unanimous negative vote, of vetoing the purchase.

For these, with sundry minor objections, we respectfully submit that the bill should be referred to the Judiciary Committee.

PIERSON,  
BARTLETT,  
CRAIG,

Of Delegation.

On motion of Mr. Pierson, the rules were suspended, and Senate Bill No. 103 taken from the general file and referred to the Judiciary Committee.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Rogers—An Act for the relief of George Green and James Smith, of the City and County of San Francisco.

Read first and second times and referred to the Judiciary Committee.

By Mr. Montgomery—An Act to amend an Act entitled an Act to provide for the building of a school-house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Education.

By Mr. O'Connor—An Act to enable the Nevada and Mountain Lakes Ice Company to change its principal place of business from Nevada City, Nevada County, State of California, to the City and County of San Francisco, State of California.

Read first and second times and referred to the Committee on Corporations.

#### GENERAL FILE.

Senate Bill No. 109—An Act to authorize the widening of Dupont street, in the City and County of San Francisco.

Amendments adopted in Committee of the Whole concurred in.

Mr. Bartlett offered an amendment as follows: Add to end of section twenty-one the words: "*Provided*, that the said Board shall not take any proceedings under this Act until requested so to do by a petition, in writing, signed by the owners of two-thirds in value of the lots and lands to be assessed fronting on Dupont street, and the owners of two-thirds in value of the lots and lands to be assessed not fronting on Dupont street."

On adopting the amendment, the ayes and noes were demanded by Messrs. Bartlett, Tuttle, and Fraser, and the Senate refused to adopt it, by a vote as follows:

AYES—Messrs. Agnew, Bartlett, Bush, Hendricks, Hilborn, Hill, Laine, Lindsey, McCune, O'Connor, Stanley, Spencer, Turner, and Tuttle—14.

NOES—Messrs. Beazell, Craig, Donovan, Edgerton, Evans, Flint, Fraser, Graves, Howe, Lewis, McCarthy, Montgomery, Pierson, Roach, Rogers, Satterwhite, and Tinnin—17.

Mr. Donovan offered an amendment: Add at end of section twenty-two the following: "And this provision shall be stated on the face of the bonds."

#### RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess for one hour.

#### RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

Messrs. Martin and Hopkins were each granted leave of absence for one day.

Senate Bill No. 109 continued.

On the adoption of the amendment offered by Mr. Donovan to section twenty-two, the ayes and noes were demanded by Messrs. Donovan, Bartlett, and Tuttle, and it was adopted, by a vote as follows:

AYES—Messrs. Agnew, Bartlett, Bush, Donovan, Fraser, Graves, Hammond, Hilborn, Hill, Laine, Lindsey, McCune, McGarvey, O'Connor, Tinnin, Turner, and Tuttle—17.

NOES—Messrs. Craig, Flint, Hendricks, Howe, Lewis, McCarthy, Montgomery, Numan, Pierson, Roach, Rogers, and Satterwhite—12.

Section sixteen was amended, on motion of Mr. Tuttle.

Section thirteen was amended, on motion of Mr. Pierson.

Rules suspended, considered engrossed, and read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Bartlett, Tuttle, and Craig, and it passed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Donovan, Eakin, Edgerton, Evans, Flint, Fraser, Graves, Hill, Howe, Lewis, McCarthy, McGarvey, Montgomery, Numan, Pierson, Roach, Rogers, Satterwhite, and Spencer—21.

NOES—Messrs. Anguey, Bartlett, Bush, Hilborn, Laine, Lindsey, McCune, O'Connor, Shirley, Tinnin, Turner, and Tuttle—12.

Senate Bill No. 322—An Act to provide for the widening of Dupont street, in the City and County of San Francisco.

On motion of Mr. Pierson, laid on the table.

On motion of Mr. Flint, the rules were suspended, and Assembly Bill No. 295 taken up out of its order.

Assembly Bill No. 295—An Act to reincorporate Salinas City.

Amendments adopted.

Read third time and passed.

Assembly Bill No. 25—An Act to provide for the future management of the Napa State Asylum for the Insane.

Amendments adopted in Committee of the Whole concurred in.

Mr. Haymond offered an amendment as follows: "Amend by striking out sections seven, nine, ten, seventeen, eighteen, nineteen, twenty, and twenty-two, and inserting a section, to be numbered section —, and to read as follows: 'Wherever the word 'Directors' occurs in sections seven, nine, ten, sixteen, seventeen, eighteen, and nineteen of an Act entitled an Act to provide further accommodation for the insane of the State of California, and to provide a special fund therefor, approved March twenty-seventh, eighteen hundred and seventy-two, shall hereafter be construed to mean 'Trustees,' and the words 'Medical Superintendent' shall be construed to mean 'Resident Physician.'"

On which the ayes and noes were demanded by Messrs. Haymond, Craig, and Fraser, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Edgerton, Evans, Flint, Fraser, Haymond, Hilborn, and McGarvey—8.

NOES—Messrs. Anguey, Beazell, Bush, Donovan, Eakin, Farley, Graves, Hill, Howe, Laine, Lewis, Lindsey, McCarthy, McCune, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—26.

Section nineteen was amended, on motion of Mr. Laine.

Mr. Haymond moved to strike out section nineteen.

Lost.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Evans, Fraser, and Lindsey, and it passed, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Graves, Hendricks, Hilborn, Hill, Howe, Laine, Lewis, Lindsey, McCarthy, McCune, McGarvey, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—30.

NOES—Messrs. Craig, Edgerton, Evans, Flint, Fraser, and Haymond—6.

Mr. Tuttle, for the Sonoma delegation, verbally reported Assembly Bill No. 178—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa, approved March twenty-eighth, eighteen hundred and seventy-two, and amendments thereto, and to incorporate the Town of Santa Rosa—with amendments, recommending the adoption of the amendments, and the passage of the bill as amended.



Mr. McCarthy submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, February 24th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 100—An Act to regulate fees of office and to fix the compensation of certain officers in the County of Contra Costa.

Also, Senate Bill No. 81—An Act to regulate salaries and to fix the compensation of certain officers in the County of Contra Costa.

And on this twenty-fourth day of February, eighteen hundred and seventy-six, at three o'clock P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. McCune—An Act to amend sections three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, and three thousand six hundred and thirty of the Political Code.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. McCarthy—An Act for the relief of John A. Cameron.

Read first and second times and referred to the San Francisco delegation.

At four o'clock P. M., Mr. Lewis moved to adjourn.

Lost.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER.

SACRAMENTO, February 24th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-fourth, eighteen hundred and seventy-six, passed Assembly Bill No. 464—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Alameda County, and for other purposes, approved February twenty-seventh, eighteen hundred and seventy-four.

Also, concurred in Senate amendments to Assembly Bills Nos. 64, 219, 314, and 315.

Also, ordered Assembly Bill No. 268 returned to the Senate for proper authentication.

Also, passed Assembly Bill No. 366—An Act to amend section fifty-eight of the Code of Civil Procedure.

E. S. CAYLAT, Assistant Clerk.

ASSEMBLY CHAMBER.

SACRAMENTO, February 24th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February seventeenth, eighteen hundred and seventy-six, passed Assembly Bill No. 426—An Act to authorize the City of Oakland to construct a bridge across the estuary of San Antonio, between Eighth and East Ninth streets.

Also, Assembly Bill No. 428—An Act to authorize the Board of Supervisors and County Treasurer of the County of Stanislaus to transfer certain funds.

Also, on the eighteenth of February, eighteen hundred and seventy-six, passed Assembly Bill No. 277—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of King's River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 434—An Act to authorize the Board of Supervisors of Mariposa County to pay a certain claim.

Also, on February nineteenth, passed Assembly Bill No. 320—An Act to provide for the distribution of school money in the Counties of Fresno and Lassen.

Also, Assembly Bill No. 344—An Act relative to the assessments in Swamp Land Reclamation District Number One Hundred and Eighteen, in Contra Costa County.

Also, on February twenty-third, passed Senate Bill No. 146—An Act to amend section four hundred and ninety-seven of the Civil Code, in relation to street railroads.

Also, amended and passed Senate Bill No. 215—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Red Bluff, approved February twenty-first, eighteen hundred and sixty.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER.

SACRAMENTO, February 24th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-fourth, eighteen hundred and seventy-six, adopted Senate Concurrent Resolution No. 32—Authorizing the Enrolling Clerk of the Senate to make certain corrections in Senate Bill No. 100.

E. S. CAYLAT, Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 464, above reported, read first and second times and referred to the delegation named in the bill.

Assembly Bill No. 366, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 426, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 277, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bills Nos. 428 and 434, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 344, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 320, above reported, read first and second times and referred to the Committee on Education.

Senate Bill No. 215, above reported, with Assembly amendments, was, on motion of Mr. Tuttle, referred to the Committee on Finance.

On motion of Mr. Craig, the rules were suspended, and Senate Bill No. 367 taken from the general file and referred to the Judiciary Committee.

On motion of Mr. Tuttle, the rules were suspended, and Assembly Bill No. 178 taken up for consideration.

At four o'clock and eight minutes P. M., Mr. Edgerton moved to adjourn.

On which the ayes and noes were demanded by Messrs. Lewis, Edgerton, and McGarvey, and the Senate refused, by a vote as follows:

AYES—MESSRS. Beazell, Donovan, Eakin, Edgerton, Flint, Fraser, Howe, McCarthy, McGarvey, Montgomery, Nunan, Roach, Shirley, and Spencer—14.

NOES—MESSRS. Angney, Bartlett, Bush, Craig, Farley, Graves, Haymond, Hendricks, Hill, Laine, Lewis, Lindsey, O'Connor, Pierson, Rogers, Satterwhite, Tinnin, Turner, and Tuttle—19.

Assembly Bill No. 178.

Reported from the Committee of the Whole with amendments.

At four o'clock and fifteen minutes P. M., Mr. Edgerton moved to adjourn.

On which the ayes and noes were demanded by Messrs. Tuttle, Satterwhite, and McCune, and the Senate refused, by a vote as follows:

AYES—MESSRS. Beazell, Donovan, Eakin, Edgerton, Flint, Howe, Lewis, McCarthy, Montgomery, Nunan, Satterwhite, Shirley, and Spencer—13.

NOES—MESSRS. Angney, Bartlett, Bush, Craig, Farley, Fraser, Graves, Haymond, Hendricks, Hill, Laine, Lindsey, McCune, McGarvey, O'Connor, Pierson, Roach, Rogers, Tinnin, Turner, and Tuttle—21.

On motion of Mr. Tuttle, further reading of the bill under consideration was dispensed with.

Mr. O'Connor moved that the bill be ordered to the head of the general file for to-morrow.

At four o'clock and twenty-two minutes p. m., Mr. Edgerton moved to adjourn.

On which the ayes and noes were demanded by Messrs. Edgerton, Lewis, and Tuttle, and the Senate refused, by a vote as follows:

AYES—Messrs. Beazell, Donovan, Edgerton, Flint, Fraser, Howe, Lewis, McCarthy, Montgomery, Nunan, Rogers, Satterwhite, Shirley, and Spencer—14.

NOES—Messrs. Angney, Bartlett, Bush, Craig, Eakin, Farley, Graves, Haymond, Hendricks, Hill, Laine, Lindsey, McCune, McGarvey, O'Connor, Pierson, Roach, Timmin, Turner, and Tuttle—20.

Assembly Bill No. 178 continued.

Amended.

At four o'clock and thirty-seven minutes p. m., Mr. Edgerton moved to adjourn.

On which the ayes and noes were demanded by Messrs. Tuttle, Lewis, and Shirley, and the Senate refused, by a vote as follows:

AYES—Messrs. Beazell, Donovan, Edgerton, Flint, Fraser, Howe, Lewis, McCarthy, Montgomery, Nunan, Rogers, Satterwhite, Shirley, and Spencer—14.

NOES—Messrs. Angney, Bartlett, Bush, Craig, Eakin, Farley, Graves, Haymond, Hendricks, Hill, Laine, Lindsey, McCune, McGarvey, O'Connor, Pierson, Roach, Timmin, Turner, and Tuttle—20.

Mr. Tuttle moved to refer Assembly Bill No. 178 to Mr. O'Connor, with special instructions to report it to-morrow morning.

Carried.

At four o'clock and forty minutes p. m., Mr. Tinnin moved to adjourn.

On which the ayes and noes were demanded by the requisite number. The vote was taken, with the following result:

AYES—Messrs. Bush, Craig, Donovan, Eakin, Farley, Flint, Fraser, Graves, Haymond, Howe, McGarvey, Montgomery, Nunan, O'Connor, Roach, Spencer, and Tinnin—17.

NOES—Messrs. Angney, Bartlett, Beazell, Edgerton, Hendricks, Hill, Laine, Lewis, Lindsey, McCarthy, McCune, Pierson, Rogers, Satterwhite, Shirley, Turner, and Tuttle—17.

The President voted in the negative, and the Senate refused to adjourn.

#### GENERAL FILE RESUMED.

Report of Committee on Contingent Expenses, on expenses of contested election of *Ward v. Montgomery*, passed on file.

#### ADJOURNMENT.

At four o'clock and forty-five minutes p. m., Mr. McGarvey moved to adjourn.

On which the ayes and noes were demanded by the requisite number, and the Senate adjourned, by a vote as follows:

AYES—Messrs. Bush, Craig, Donovan, Eakin, Farley, Fraser, Howe, Lewis, Lindsey, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, Satterwhite, Spencer, Timmin, and Tuttle—19.

NOES—Messrs. Angney, Bartlett, Beazell, Edgerton, Flint, Hendricks, Hilborn, Hill, Laine, McCarthy, Pierson, Rogers, Shirley, and Turner—14.

## IN SENATE.

SENATE CHAMBER, }  
 Friday, February 25th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Messrs. Evans and Martin were granted leave of absence for one day.

## PETITIONS.

Mr. Beazell presented a remonstrance from citizens and property owners of the Town of Livermore, County of Alameda, protesting against the passage of any bill granting articles of incorporation for the Town of Livermore.

Received and referred to the Committee on Corporations.

Mr. Lindsey presented a petition from the California State Prison Commission, asking an appropriation for the ensuing two years.

Received and referred to the Committee on Finance.

Mr. O'Connor verbally reported Assembly Bill No. 178, recommending the reference of the bill to the Committee on State and County Revenue.

The bill was so referred.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Shirley—An Act to amend section three thousand six hundred and forty-four of the Political Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Beazell—An Act to fix the time for holding municipal elections in the City of Oakland.

Read first and second times.

Rules suspended, considered engrossed, and, by general consent, read third time and passed.

Rules further suspended, and the bill ordered to the Assembly immediately, and without engrossment.

By Mr. Eakin—An Act to amend an Act entitled an Act to reincorporate the City of Sonoma, approved April tenth, eighteen hundred and sixty-two, and amended March twenty-sixth, A. D. eighteen hundred and seventy.

Read first and second times.

Rules suspended, considered engrossed, and, by general consent, read third time and passed.

## GENERAL FILE.

Senate Bill No. 315—An Act to amend certain sections and to repeal certain sections of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning the salaries of the civil executive officers of the State.



Mr. Haymond moved to recommit the bill to the Special Committee on Retrenchment and Reform, with special instructions to strike out all after the enacting clause, and inserting in place thereof the following:

"SECTION 1. Section three hundred and eighty-four of the Political Code is amended to read as follows: Section 384. The annual salary of the Governor is six thousand dollars.

"SEC. 2. Section three hundred and eighty-six of said Code is amended to read as follows: Section 386. The annual salary of the Executive Clerk is twenty-two hundred dollars.

"SEC. 3. Section four hundred and seventeen of said Code is amended to read as follows: Section 417. The annual salary of the Secretary of State is three thousand six hundred dollars.

"SEC. 4. Section four hundred and eighteen of said Code is amended to read as follows: Section 418. The annual salary of the Deputy Secretary of State is twenty-four hundred dollars.

"SEC. 5. Section four hundred and nineteen of said Code is amended to read as follows: Section 419. The annual salary of the Clerk of the Secretary of State is twenty-two hundred dollars.

"SEC. 6. Section four hundred and twenty of said Code is amended to read as follows: Section 420. The annual salary of an Assistant Clerk for the Secretary of State is eighteen hundred dollars, and the annual salary of the Recording Clerk is fifteen hundred dollars.

"SEC. 7. Section four hundred and twenty-one of said Code is hereby repealed.

"SEC. 8. Section four hundred and twenty-two of said Code is amended to read as follows: Section 422. The Secretary of State, during each legislative year, from January to July, may employ two special clerks, at a monthly salary not exceeding one hundred and twenty-five dollars each.

"SEC. 9. Section four hundred and thirty-eight of said Code is amended to read as follows: Section 438. The annual salary of the Controller of State is three thousand six hundred dollars.

"SEC. 10. Section four hundred and thirty-nine of said Code is amended to read as follows: Section 439. The annual salary of Deputy Controller is twenty-four hundred dollars.

"SEC. 11. Section four hundred and forty of said Code is amended to read as follows: Section 440. The annual salary of the Book-keeper for the Controller is two thousand dollars.

"SEC. 12. Section four hundred and forty-one of said Code is amended to read as follows: Section 441. The annual salary of three Assistant Clerks in the Controller's office is sixteen hundred dollars each.

"SEC. 13. Section four hundred and fifty-five of said Code is amended to read as follows: Section 455. The annual salary of the State Treasurer is three thousand six hundred dollars.

"SEC. 14. Section four hundred and fifty-six of said Code is amended to read as follows: Section 456. The annual salary of the Clerk in the Treasurer's office is twenty-four hundred dollars.

"SEC. 15. Section four hundred and seventy-one of said Code is amended to read as follows: Section 471. The annual salary of the Attorney-General is three thousand six hundred dollars.

"SEC. 16. Section four hundred and eighty-four of said Code is

amended to read as follows: Section 484. The annual salary of the Surveyor-General is eighteen hundred dollars.

"Sec. 17. Section four hundred and eighty-five of said Code is amended to read as follows: Section 485. The annual salary of the Deputy Surveyor-General is twenty-four hundred dollars.

"Sec. 18. Section four hundred and eighty-six of said Code is amended to read as follows: Section 486. The annual salary of the two clerks in the Surveyor-General's office is sixteen hundred dollars each.

"Sec. 19. Section four hundred and ninety-nine of said Code is amended to read as follows: Section 499. The annual salary of the Register of the State Land Office is eighteen hundred dollars.

"Sec. 20. Section five hundred of said Code is amended to read as follows: Section 500. The annual salary of the two clerks in the office of the Register of the State Land Office is sixteen hundred dollars each.

"Sec. 21. Section five hundred and fourteen of said Code is hereby repealed.

"Sec. 22. Section five hundred and fifteen of said Code is amended to read as follows: Section 515. The annual salary of the clerk for the Superintendent is fifteen hundred dollars.

"Sec. 23. Section five hundred and sixteen of said Code is amended to read as follows: Section 516. The actual traveling expenses of the Superintendent, not exceeding eight hundred dollars annually, shall be audited by the Board of Examiners and paid out of the General Fund in the State treasury.

"Sec. 24. Section six hundred and eighty-four of said Code is amended to read as follows: Section 684. The annual salary of each member of the Board, except the Attorney-General, is seven hundred dollars, and of the Attorney-General, one thousand dollars.

"Sec. 25. Section six hundred and eighty-five of said Code is amended to read as follows: Section 685. The annual salary of the Clerk of the Board is six hundred dollars.

"Sec. 26. Section twenty-one hundred and sixty-nine of said Code is amended to read as follows: Section 2169. The annual salary of each Assistant Physician is two thousand dollars.

"Sec. 27. Section twenty-two hundred and sixty-nine of said Code is amended to read as follows: Section 2269. His annual salary must not exceed two thousand four hundred dollars.

"Sec. 28. Section twenty-three hundred and three of said Code is amended to read as follows: Section 2303. The annual salary of each deputy is fifteen hundred dollars.

"Sec. 29. This Act shall take effect from its passage, except as to the offices of Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, and Register of the State Land Office, and as to such offices, shall take effect from and after the first Monday in December, eighteen hundred and seventy-nine."

Mr. Tuttle moved to amend the motion of Mr. Haymond, "that the bill be referred to the Committee of the Whole Senate."

Amendment accepted.

On the motion to refer the bill to the Committee of the Whole, with special instructions, the ayes and noes were demanded by Messrs. McCoppin, McCune, and Haymond, and the Senate refused, by a vote as follows:

AYES—Messrs. Benzell, Craig, Farley, Fraser, Haymond, Hendricks, Hilborn, Hill, Hopkins, Martin, McCarthy, Nunan, and Roach—13.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Edgerton, Flint, Gibbons, Graves, Howe, Laine, Lewis, Lindsey, McCoppin, McCune, McGarvey, O'Connor, Pierson, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—25.

Mr. Lewis renewed the motion to recommit the bill to the Committee on Retrenchment and Reform, with the special instructions.

On which the ayes and noes were demanded by Messrs. Lindsey, Bush, and Turner, and the Senate refused to so refer the bill, by a vote as follows:

AYES—Messrs. Benzell, Craig, Fraser, Gibbons, Graves, Haymond, Hendricks, Hopkins, Lewis, Martin, McCarthy, Nunan, Pierson, Roach, and Rogers—15.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Edgerton, Farley, Flint, Hilborn, Hill, Howe, Laine, Lindsey, McCoppin, McCune, McGarvey, O'Connor, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—23.

Read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Haymond, Lewis, and Lindsey, and it passed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Edgerton, Flint, Fraser, Haymond, Hilborn, Hill, Howe, Laine, Lewis, Lindsey, McCoppin, McCune, McGarvey, O'Connor, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—24.

NOES—Messrs. Benzell, Craig, Eakin, Farley, Gibbons, Graves, Hendricks, Hopkins, Martin, McCarthy, Nunan, Pierson, Roach, and Rogers—14.

Mr. Lewis gave notice of a motion to reconsider the vote by which the bill passed.

Mr. Roach, by leave, submitted a report as follows:

MR. PRESIDENT: The San Francisco delegation, to whom was re-referred Senate Bill No. 169—An Act to establish water rates in the City and County of San Francisco—as amended by the Assembly, have examined the same, and recommend concurrence in the amendment.

Also, have examined Senate Bill No. 56—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board, as amended by the Assembly, and recommend concurrence in the amendment.

ROACH, Chairman.

On motion of Mr. Howe, the rules were suspended, and the bills above reported taken up for consideration.

Senate Bill No. 169.

Assembly amendment to the bill concurred in.

Senate Bill No. 56.

Assembly amendment to the bill concurred in.

#### GENERAL FILE RESUMED.

Report of Committee on Contingent Expenses, on expenses of contested election of *Ward v. Montgomery*, passed on file.

Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code.

Rules suspended, considered engrossed, read third time, and passed.

#### SPECIAL ORDERS.

Friday, February twenty-fifth, at twelve o'clock M. Senate Bill No. 127—An Act to amend sections ninety-two, one hundred and twenty-four, one hundred and forty-six, and one hundred and forty-seven, and to repeal sections ninety-four to one hundred and seven, inclu-

sive, and sections one hundred and eighteen, one hundred and nineteen, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, and one hundred and forty-four of the Civil Code, in relation to divorcees.

On motion of Mr. Pierson, the special order was postponed until Friday, the third day of March, at the same hour.

Friday, February twenty-fifth, at one o'clock P. M. Senate Bill No. 2—An Act to provide for calling a convention to revise and change the Constitution of the State of California.

Senate Bill No. 58—Proposed amendment to the Constitution of the State of California.

On motion of Mr. Lewis, the rules were suspended, and the above special order postponed until Friday, the third day of March, at one o'clock and thirty minutes P. M.

#### GENERAL FILE CONTINUED.

Assembly Bill No. 19—An Act to transfer the Swamp Land Fund of Del Norte County to the General Fund of said county.

Read third time and passed.

Senate Bill No. 324—An Act to prevent goats running at large in the Town of Folsom, County of Sacramento.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 230—An Act confirming the action of the Board of Supervisors of the County of Alameda, in allowing the claim of N. W. Spaulding.

Read third time and passed.

Title amended.

Assembly Bill No. 148—An Act concerning partition fences in Colusa County.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

Title amended.

Assembly Bill No. 305—An Act to amend an Act regulating salaries of certain officers of Mariposa County, approved February seventh, eighteen hundred and seventy-four.

On motion of Mr. O'Connor, referred to the Committee on State and County Revenue.

Senate Bill No. 179—An Act concerning streets in the City of Sacramento.

On motion of Mr. Haymond, laid on the table.

Assembly Bill No. 39—An Act to exempt certain persons from the payment of poll tax.

On motion of Mr. Pierson, referred to the Judiciary Committee.

Mr. Beazell moved a suspension of the rules, that Senate Bill No. 436 be ordered enrolled and reported to the Senate out of its order.

So ordered.

#### RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

#### RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.  
President in the chair.

Roll called, and a quorum present.



Mr. Craig submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, February 25th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 242—An Act to amend section one hundred and seventeen of the Code of Civil Procedure.

Also, Senate Bill No. 245—An Act to repeal an Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, Santa Clara, Solano, Sonoma, and Siskiyou Counties from the payment of poll tax, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 251—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure.

Also, Senate Bill No. 54—An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs.

Also, Senate Bill No. 206—An Act to amend an Act entitled an Act to provide for the management and sale of lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight; the Acts hereby amended having been approved April fourth, eighteen hundred and seventy.

Also, substitute for Senate Bill No. 104—An Act to amend section fifty-nine of the Civil Code of the State of California.

Also, Senate Bill No. 301—An Act to provide for the redemption of unissued and unrecalled stamps of the State of California, heretofore sold.

Also, Senate Bill No. 44—An Act for the relief of J. J. Conlin.

CRAIG, for Committee.

By Mr. McCarthy:

SENATE CHAMBER.

SACRAMENTO, February 25th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 436—An Act to fix the time for holding municipal elections in the City of Oakland—and on this twenty-fifth day of February, eighteen hundred and seventy-six, at one o'clock P. M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

Mr. Donovan submitted the following reports:

MR. PRESIDENT: The Committee on Public Buildings and Grounds have the honor to report that, in pursuance of the duties imposed on them, they have visited the State Normal School, in San José, and have carefully examined it in all its details. The building presents a prepossessing appearance, both externally and internally; some portions of the interior are in an unfinished condition, owing to the exhaustion of the Building Fund. From the great increase in the number of pupils attending, it now becomes necessary to complete the structure and furnish it, for which purpose we have made careful estimates of the amount of money required, and we have arrived at the conclusion that the sum of eight thousand dollars is sufficient. We therefore recommend an appropriation for that amount.

DONOVAN, for Committee.

MR. PRESIDENT: The Committee on Public Buildings and Grounds have the honor to report that, in the discharge of the duties imposed upon them, they have visited the Stockton Insane Asylum, and, in company with Dr. Shurtleff, carefully examined the buildings and grounds, and are particularly impressed with the order and neatness that prevailed in every department of the building. The new structure is a model of economy and convenience, erected at a cost of seventy-six thousand six hundred and eighty-five dollars, or at the extremely moderate rate of five hundred and eighty-nine dollars and ninety-two cents per patient accommodated—it being capable of accommodating one hundred and thirty patients, with the usual number of attendants, and all of the modern conveniences for such institutions. In this connection we desire, in justice to the management, to chronicle a fact hitherto unknown in connection with the erection of a State building, that the sum of thirteen thousand five hundred and thirteen dollars and seventy-one cents was returned to the State treasury, being the unexpended balance of the Building Fund.

The roads and walks around the asylum require immediate repair, the former being almost impassable for teams. Dr. Shurtleff informs us that it will require seven thousand dollars to make the necessary improvements, and from his well-known prudence in the expenditure of public money, we have no hesitation in recommending the appropriation of that amount.

DONOVAN, for Committee.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Donovan—An Act to increase the value of land in the City and County of San Francisco, by bringing it into convenient access with a supply of fresh water.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

Also, an Act to appropriate the sum of eight thousand dollars to make certain repairs on the State Normal School, and to provide furniture therefor.

Also, an Act to appropriate the sum of seven thousand dollars for the improvement of roads and sidewalks around the Stockton Insane Asylum.

The above bills were each read first and second times, and referred, with the reports heretofore submitted in reference to the bills, to the Committee on Finance.

By Mr. Nunan—An Act to authorize the Police Judge's Court and Municipal Criminal Court of the City and County of San Francisco to commit persons convicted of certain crimes to the House of Correction, and to order the transfer of persons confined in the County Jail of said city and county to said House of Correction.

Read first and second times and referred to the San Francisco delegation.

By Mr. Laine—An Act to repeal section five hundred and twenty-seven, and to amend section five hundred and twenty-eight of the Political Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Satterwhite—An Act to provide for the government of the County of San Diego.

Read first and second times and referred to the Committee on State and County Revenue.

Mr. Roach, by leave, submitted a report as follows:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 362—An Act to amend section seven hundred and ninety-one of the Political Code, with reference to Notaries Public—have considered the same, and recommend its passage as amended.

ROACH, Chairman.

## GENERAL FILE RESUMED.

Senate Bill No. 292—An Act to add two more sections to the Civil Code, to be numbered sections five hundred and fifty-two and five hundred and fifty-three.

Referred to the Committee on Irrigation and Water Rights.

Senate Bill No. 99—An Act granting relief to delinquent taxpayers whose lands have been sold for taxes.

Substitute and amendments adopted hereto in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Edgerton, the special order set for two o'clock p. m. was temporarily postponed.

Senate Bill No. 309—An Act to amend section one thousand five hundred of the Code of Civil Procedure.

Reported from the Committee of the Whole with amendments.

On concurring in the amendments, the ayes and noes were demanded by Messrs. Haymond, McGarvey, and O'Connor, and they were concurred in, by a vote as follows:

AYES—Messrs. Aughey, Benzell, Bush, Edgerton, Farley, Flint, Fraser, Gibbons, Halborn, Hopkins, Laine, Lindsey, Martin, McCarthy, McTune, Noonan, Pierson, Reach, Shirley, Spencer, Turner, and Tuttle—22.

NOES—Messrs. Bartlett, Craig, Graves, Haymond, Hendricks, Hill, Howe, McGarvey, O'Connor, and Satterwhite—10.

Rules suspended, considered engrossed, read third time, and passed.

#### SPECIAL ORDER.

Friday, February twenty-fifth, at two o'clock p. m. Assembly Bill No. 1—An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes.

Mr. Edgerton presented petitions, numerous signed by citizens of the Town of Hollister, in favor of the passage of the bill.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, Edgerton, and Flint. The roll was called, with the following result:

AYES—Messrs. Benzell, Craig, Edgerton, Flint, Fraser, Graves, Halborn, Hopkins, Lewis, Martin, McCarthy, McTappan, McGarvey, Noonan, Pierson, Rogers, Satterwhite, and Spencer—18.

NOES—Messrs. Aughey, Bartlett, Bush, Donovan, Farley, Gibbons, Haymond, Hendricks, Hill, Howe, Lindsey, McTune, O'Connor, Reach, Shirley, Timm, Turner, and Tuttle—18.

The President voted in the affirmative, and the bill passed.

Mr. Gibbons, by leave, offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be and is hereby allowed the sum of two dollars per diem from the commencement of the session until its close, payable out of the appropriation for the contingent expenses of the Senate.

Rules suspended, and the resolution adopted.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, February 25th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the seventeenth of February, eighteen hundred and seventy-six, passed substitute for Assembly Bill No. 74—An Act to create an irrigation district, to be called West Side Irrigation District.

And, on the twenty-fourth instant, indefinitely postponed Senate Bill No. 248—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

Also, on the twenty-third instant, passed Assembly Bill No. 249—An Act to create a Board of Water Trustees for the City of Napa, and to provide means for the construction of water-works for said city, and for the future government of the same.

Also, Assembly Bill No. 244—An Act to provide a new Great Register for Solano County, and to re-register the voters thereof.

Also, Assembly Concurrent Resolution No. 31—Relative to the establishment of a tri-weekly mail from Mendocino County to the City of Eureka, Humboldt County.

Also, Assembly Concurrent Resolution No. 28—Relative to the establishment of tri-weekly mail service from the Town of Lakeville, State of Oregon, to the City of Yreka, State of California.

Also, on the twenty-fifth instant, passed Senate Bill No. 436—An Act to fix the time for holding municipal elections in the City of Oakland.

E. S. CAYLAT, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Substitute for Assembly Bill No. 73, above reported, read first and second times and referred to the Committee on Irrigation and Water Rights.

Assembly Bills Nos. 340 and 289, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Concurrent Resolutions Nos. 31 and 28, above reported, each read first and second times and referred to the Committee on Federal Relations.

Mr. Pierson, by leave, offered the following resolution :

*Resolved by the Senate, the Assembly concurring.* That the Secretary of State be requested to furnish to the State Superintendent of Printing, copies of all laws, signed by the Governor, as fast as they are signed, and that the State Superintendent of Printing be required to commence and continue the printing of the usual number of copies of such laws in the order in which they have been approved, and to furnish such additional copies of the same as are required for members of the Legislature and State officers as fast as the same are printed.

Adopted.

Rules suspended, and the resolution ordered transmitted immediately to the Assembly.

Mr. Lewis offered a resolution as follows :

*Resolved.* That the Enrolling Clerk of the Senate be authorized to deliver to the Enrolling Committee of this body, Senate Bill No. 250, as enrolled by him.

Adopted.

## GENERAL FILE RESUMED.

Senate Bill No. 310—An Act to amend section eight hundred and forty-three of the Political Code.

Mr. Pierson moved to indefinitely postpone the bill.

Lost.

Rules suspended, considered engrossed, and read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Pierson, Bush, and Lindsey, and it passed, by a vote as follows :

AYES—Messrs. Angney, Beazell, Bush, Donovan, Farley, Fraser, Haymond, Hendricks, Hilborn, Hill, Howe, Lindsey, Martin, McCarthy, McTune, Nunan, O'Connor, Reach, Satterwhite, Spencer, Tinnin, Turner, and Tuttle—23.

NOES—Messrs. Bartlett, Edgerton, Flint, Gibbons, Graves, Lewis, Montgomery, Pierson, and Shirley—9.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows :

By Mr. McCarthy—An Act to authorize the San Francisco Street Sprinkling Company to sprinkle certain streets in the City and County of San Francisco.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. Nunan—An Act to confer additional power on the Treasurer of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Mr. McCarthy, by leave, offered a resolution as follows :

*Resolved.* That the Enrolling Clerk be and he is hereby authorized to enroll and report, out of its regular order, Senate Bill No. 56.



Adopted.

Mr. McGarvey, by leave, offered a resolution as follows:

*Resolved by the Senate, the Assembly concurring.* That the Enrolling Clerk be and he is hereby authorized to correct a clerical error which occurs in Senate Bill No. 121, section three, line two, by substituting the words "consist of," instead of the word "constitute."

Adopted.

Rules suspended, and the resolution ordered transmitted to the Assembly immediately.

#### GENERAL FILE RESUMED.

Senate Bill No. 314—An Act to protect State moneys; and

Senate Bill No. 318—An Act to provide for the exemption of the Oakland Fire Department from military and jury duty;

Each indefinitely postponed.

Senate Bill No. 329—An Act to amend sections six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, six hundred and forty-nine, and nine hundred and fifty-six of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed.

Mr. McCarthy submitted the following report:

#### SENATE CHAMBER.

SACRAMENTO, February 25th, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 240—An Act to provide for the construction of an academy in the County of Tehama; and on this twenty-fifth day of February, eighteen hundred and seventy-six, at four o'clock and fifteen minutes P. M. presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

#### GENERAL FILE RESUMED.

Assembly Bill No. 103 and Senate Bill No. 92 each passed on file.

Assembly Bill No. 185—An Act to repeal section three hundred of the Penal Code, relative to transacting business on Sunday.

Indefinitely postponed.

Assembly Bill No. 24—An Act to abate the squirrel nuisance in Stanislaus County, State of California.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

Assembly Bill No. 180 passed on file.

Assembly Bill No. 126—An Act to amend section six hundred and twenty-eight of the Penal Code.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

Senate Bill No. 349—An Act to amend section six hundred and twenty-eight of the Penal Code.

Indefinitely postponed.

Assembly Bill No. 307—An Act concerning the construction and repair of levees in the City of Marysville, and the mode of raising revenue therefor.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

Senate Bill No. 326 passed on file.

Senate Bill No. 323—An Act to amend section five hundred and forty-nine of the Civil Code.

On motion of Mr. Haymond, referred to the Judiciary Committee.

Assembly Bill No. 184—An Act to amend an Act entitled an Act to authorize the City of Oakland to construct a main sewer.

Indefinitely postponed.

Assembly Bill No. 296 passed on file.

Assembly Bill No. 2—An Act to authorize Abram S. Sally to construct and maintain a ditch to convey water for irrigating, domestic, and other purposes, in San Benito County.

On motion of Mr. Flint, referred to the Committee on Irrigation and Water Rights.

Senate Bill No. 211—An Act to repeal an Act entitled an Act to regulate the distribution of the Police Fund of the City and County of San Francisco, approved April first, eighteen hundred and seventy.

Withdrawn by Mr. Howe, the author of the bill, by general consent.

Senate Bill No. 286—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 238—An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days.

Amended.

Read third time and passed.

Mr. Haymond moved that when the Senate adjourns to-day, it adjourn to meet again on Monday morning next, at ten o'clock A. M.

Lost.

Senate Bill No. 300—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Mr. O'Connor moved that when the Senate adjourns to-day, it adjourn to meet on Monday next, at three o'clock P. M.

Agreed to.

At five o'clock and five minutes P. M. Mr. Timmin moved to adjourn.

Lost.

#### GENERAL FILE RESUMED.

Senate Bill No. 237 passed on file.

Assembly Bill No. 177—An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento.

Senate substitute to the bill agreed to in the Committee of the Whole.

Adopted.

Read third time and passed.

#### ADJOURNMENT.

At five o'clock and ten minutes P. M., on motion of Mr. Satterwhite, the Senate adjourned; when the President announced the Senate adjourned until Monday, the twenty-eighth instant, at three o'clock P. M.

## IN SENATE.

SENATE CHAMBER,

Monday, February 28th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of Friday, the twenty-fifth instant, read and approved.

Messrs. Montgomery and Beazell were granted indefinite leave of absence; and Messrs. Shirley, Laine, and Tuttle for one day each.

Mr. Lewis moved to reconsider the vote by which the Senate, on the twenty-fourth instant, passed Senate Bill No. 315—An Act to amend certain sections, and to repeal certain sections of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning the salaries of civil executive officers of the State.

On the motion to reconsider the vote, the ayes and noes were demanded by Messrs. Evans, Tinnin, and Lewis, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Farley, Gibbons, Graves, Hendricks, Hopkins, Lewis, Martin, McCarthy, Nunan, Roach, and Rogers—12.

NOES—Messrs. Angney, Bartlett, Bush, Edgerton, Evans, Flint, Fraser, Hilborn, Hill, Lindsey, McCoppin, McCune, McGarvey, O'Connor, Satterwhite, Spencer, Tinnin, and Turner—18.

## GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.  
SACRAMENTO, February 28th, 1876.*To the Senate of the State of California:*

I have the honor to nominate the following persons as State Harbor Commissioners: William Blanding, for the term of two years; A. M. Burns, for the term of three years; Bruce B. Lee, for the term of four years; and respectfully ask that the Senate consent to their appointment.

WILLIAM IRWIN, Governor.

The Senate went into executive session to consider the appointments.

Upon the question, "Will the Senate advise and consent to the appointment of William Blanding, as a State Harbor Commissioner for the term of two years?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hill, Hopkins, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Satterwhite, and Spencer—28.

NOES—Messrs. Rogers and Turner—2.

Whereupon, the Chair announced the appointment of William Blanding, as a State Harbor Commissioner, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of A. M. Burns, as a State Harbor Commissioner for the term of three years?" the roll was called, with the following result:

AYES—Angney, Bush, Craig, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hill, Hopkins, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Satterwhite, and Spencer—28.

NOES—Mr. Rogers—1.

Whereupon, the Chair announced the appointment of A. M. Burns, as a State Harbor Commissioner, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Bruce B. Lee, as a State Harbor Commissioner for the term of four years?" the roll was called, with the following result:

AYES—MESSRS. Bush, Craig, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, Nunan, O'Connor, Pierson, Roach, Satterwhite, Spencer, and Tinnin—28.

NOES—MESSRS. Anguey, Bartlett, and Rogers—3.

Whereupon the Chair announced the appointment of Bruce B. Lee, as a State Harbor Commissioner, duly confirmed.

The President presented a report of the Ladies' Benevolent Association of Placerville.

Received and referred to the Committee on Finance.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Farley:

SACRAMENTO, February 28th, 1876.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 312—An Act to reincorporate the City of Marysville—herewith report the bill back, with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 418—An Act to authorize the City of San José to issue bonds to provide sewerage for said city—report the same back, with amendments, and respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 312—An Act concerning corporations and persons engaged in the business of banking—report the same back, and a majority recommend its passage.

Also, Senate Bill No. 396—An Act to incorporate the City of San Luis Obispo—report the same back, and recommend its passage.

Also, Senate Bill No. 411—An Act in relation to deposits of securities by foreign insurance companies—report the same back, and recommend its passage.

Also, Senate Bill No. 398—An Act to extend the franchise granted to David Gerkey, and others, to build a wharf at Santa Cruz—report the same back, with a recommendation that it pass.

FARLEY, Chairman.

Senate Bill No. 418, above reported, was ordered printed.

By Mr. Lewis:

SENATE CHAMBER.

SACRAMENTO, February 28th, 1876.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 162—An Act to amend sections three hundred and fifty-two, three thousand seven hundred, and three thousand seven hundred and one of the Political Code:

Also, Senate Bill No. 175—An Act to amend section three thousand seven hundred and ninety-nine of the Political Code, and to exempt the City and County of San Francisco from the provisions of sections three thousand eight hundred and two, three thousand eight hundred and three, and three thousand eight hundred and eighty-one of the Political Code;

Also, Senate Bill No. 176—An Act in relation to certain taxes on debts or moneys secured by mortgages on real property;

Also, Senate Bill No. 280—An Act to repeal sections three thousand seven hundred and forty-eight and three thousand seven hundred and forty-nine of the Political Code, relative to the collection of taxes;

Also, Senate Bill No. 184—An Act to amend the Political Code;

Also, Senate Bill No. 281—An Act relating to the collection of delinquent taxes of the State for the twenty-fourth and twenty-fifth fiscal years;

Also, Senate Bill No. 255—An Act to amend the Political Code of the State of California, and to add a new section thereto concerning a State Board of Equalization;

Also, Senate Bill No. 295—An Act to amend sections three thousand six hundred and seventy-nine and three thousand eight hundred and eighty-seven, and to repeal section three thousand six hundred and seventy-eight of the Political Code of the State of California;



Also, Senate Bill No. 296—An Act to repeal sections three thousand eight hundred and twenty, three thousand eight hundred and twenty-one, three thousand eight hundred and twenty-two, three thousand eight hundred and twenty-three, three thousand eight hundred and twenty-four, three thousand eight hundred and twenty-five, three thousand eight hundred and twenty-six, three thousand eight hundred and twenty-seven, three thousand eight hundred and twenty-eight, three thousand eight hundred and twenty-nine, and three thousand eight hundred and thirty of the Political Code of California:

Also, Senate Bill No. 297—An Act to repeal an Act entitled an Act in relation to solvent debts other than those secured by mortgages or other liens, approved March twenty-eighth, eighteen hundred and seventy-four:

Also, Senate Bill No. 338—An Act to repeal an Act entitled an Act in relation to the taxation of solvent debts other than those secured by mortgages or other liens, approved March twenty-eighth, eighteen hundred and seventy-four:

Herewith report said bills back, with the recommendation that they do not pass.

The reason of this recommendation is, that Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to revenue—which was also referred to this Committee, embraces the subject-matter of the above bills, and said Senate Bill No. 391 is herewith reported back, with amendments, as a substitute for all said bills, and its passage is recommended by a majority of the committee.

The committee also report back Senate Bill No. 386—An Act to amend section three thousand seven hundred and seventy-one of the Political Code, in relation to revenue—and recommend that it do not pass.

Also, Assembly Bill No. 44—An Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two—and report the same back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 45—An Act supplementary to an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six—and recommend its passage.

Also, Senate Bill No. 289—An Act to create the Twenty-second Judicial District—and recommend its passage.

Also, Assembly Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code—and herewith report the same back, and recommend that it be referred to the Committee on Agriculture.

Also, Senate Bill No. 343—An Act to amend an Act, approved February seventeenth, eighteen hundred and seventy-four, entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll-road over the Yosemite grant—which, together with a substitute, is reported back, with the recommendation by a majority of the adoption and passage of the substitute.

Also, Assembly Bill No. 375—An Act to amend section sixty-eight of the Code of Civil Procedure—and report the same back, with a substitute, and recommend the adoption and passage of the substitute.

Also, Senate Bill No. 276—An Act to compel retraction of false or defamatory articles in newspapers or serial publications—and report the same back, with amendments, and recommend its passage as amended.

Also, Senate Bill No. 195—An Act to amend section eighty-eight of the Code of Civil Procedure, relating to the terms of the County Court in the County of Merced—and report the same back, with a substitute, and recommend the adoption and passage of the substitute.

Also, Assembly Bill No. 192—An Act in reference to deeds and powers of attorney heretofore executed by married women—and recommend that it do not pass.

Also, Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations—and report the same back, with amendments, and recommend its passage as amended.

Also, Senate Bill No. 277—An Act to amend section one thousand eight hundred and nineteen of the Code of Civil Procedure—and report the same back, and recommend its passage.

Also, Senate Bill No. 278—An Act to amend certain sections of the Political Code, concerning the salaries of judicial officers, and of officers connected with the Supreme Court—and a majority recommend that it do not pass.

Also, Senate Bill No. 282—An Act to amend sections two hundred and thirteen and one thousand five hundred and forty-seven of the Penal Code—and recommend that it do not pass.

Also, Senate Bill No. 283—An Act to amend section two thousand two hundred and twenty-one of the Political Code—and recommend that it do not pass.

Also, Assembly Bill No. 118—An Act to add a section to the Political Code, in regard to contesting elections for members of the Legislature—and recommend that it do not pass.

Also, Assembly Bill No. 142—An Act to amend section four hundred and thirteen of the Code of Civil Procedure—and recommend that it do not pass, for the reason that it does not materially change the law as it now stands by the amendments made at the last session of the Legislature.

Also, Assembly Bill No. 4—An Act to amend section one thousand one hundred and sixty of the Political Code—and recommend its passage.

Also, Assembly Bill No. 173—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure—and recommend its passage.

Also, Assembly Bill No. 57—An Act to add two new sections to the Political Code, relative to the canvassing of election returns—and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 284—An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three, in relation to hotel, inn, boarding-house, and lodging-house keepers—and recommend it do not pass.

Also, Senate Bill No. 333—An Act to amend section three thousand three hundred and eighty-one of the Political Code—and recommend its passage.

Also, Senate Bill No. 340—An Act to amend certain sections of the Political Code, relative to licenses—and recommend that it do not pass.

Also, Senate Bill No. 166—An Act to amend section five hundred and fifty-nine of the Code of Civil Procedure, relating to the release of attachments on real property—and recommend that the Senate concur in the amendments made in the Assembly.

LEWIS, Chairman.

Assembly Bill No. 195, above reported, referred to the Committee on Agriculture.

Subsequently, on motion of Mr. Farley, the rules were suspended, and Assembly Bill No. 375, above reported, was taken up and placed on its passage.

Substitute adopted.

Read third time and passed.

By Mr. McGarvey:

MR. PRESIDENT: The Committee on Irrigation and Water Rights has had under consideration Senate Bill No. 9—An Act entitled an Act to provide a system of irrigation in the Counties of Fresno, Tulare, and Kern—and report it back, with a substitute, and recommend that the substitute be printed, and when printed, returned to your committee.

Also, Senate Bill No. 292—An Act entitled an Act to add another section to the Civil Code, and numbered section five hundred and fifty-two—and report the same back, with a substitute, and the majority recommend the passage of the substitute.

McGARVEY, Chairman.

Senate Bill No. 9, above reported, was ordered printed out of its order and from the original copy, under a suspension of the rules, on motion of Mr. Lindsey.

By Mr. Nunan:

SENATE CHAMBER,

SACRAMENTO, February 28th, 1876. }

MR. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Senate Bill No. 378—An Act to call in and pay the registered warrants of Butte County—having carefully considered said bill, respectfully report the same back, and recommend its passage.

Also, Senate Bill No. 377—An Act authorizing the Treasurer of Butte County to transfer certain funds—having carefully considered said bill, respectfully report the same back, and recommend its passage.

Also, Senate Bill No. 360—An Act concerning the salary of the District Attorney of San Bernardino County—having carefully considered said bill, respectfully report the same back, and recommend its passage.

Also, Assembly Bill No. 246—An Act to legalize certain proceedings of the Board of Supervisors of Tulare County—having carefully considered said bill, respectfully report the same back, and recommend its passage.

Also, Assembly Bill No. 282—An Act to fix the salary and bond of the Assessors of the Counties of Tulare and Kern—having carefully considered said bill, respectfully report the same back, and recommend its passage.

Also, Assembly Bill No. 178—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa, approved March twenty-eighth, eighteen hundred and seventy-two, and amendments thereto, and to incorporate the Town of Santa Rosa—having considered said bill, respectfully report the same back, and recommend its passage.

NUNAN, Chairman.

By Mr. Craig:

SENATE CHAMBER,

SACRAMENTO, February 28th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 248—An Act to provide for the keeping of the Capitol and Capitol grounds.

Also, Senate Bill No. 216—An Act to establish and define the powers and duties of the Board of Education of Grass Valley School District, in the County of Nevada, the said district including the Town of Grass Valley.

Also, Senate Bill No. 304—An Act to amend section one thousand five hundred and seventy-seven of the Political Code, in relation to the change of boundaries in school districts.

Also, Senate Bill No. 429—An Act to amend and renumber section one thousand five hundred and fifty-two, added to the Political Code by an Act, approved March thirteenth, eighteen hundred and seventy-four, entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California.

Also, substitute for Senate Bill No. 252—An Act to amend section one thousand and fifty-five of the Political Code.

Also, Senate Bill No. 240—An Act to amend an Act entitled an Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office, approved March thirtieth, eighteen hundred and seventy-four.

Also, Senate Bill No. 244—An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, additional powers.

FLINT AND CRAIG, for Committee.

[Mr. Rogers in the chair.]  
By Mr. Angney:

MR. PRESIDENT: The Finance Committee, to whom was referred Senate Bill No. 215—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—have examined the amendments adopted by the House, and recommend concurrence therein.

ANGNEY, Chairman.

Rules suspended, and Senate Bill No. 215, above reported, taken up for consideration.

Assembly amendments to the bill concurred in.

Mr. Haymond gave notice of a motion to reconsider the vote concurring in amendment to section two, as follows: Strike out the words "of the report of the State Board of Equalization, two thousand copies."

By Mr. McCarthy:

SENATE CHAMBER.

SACRAMENTO, February 28th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 56—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board—and on this twenty-fifth day of February, eighteen hundred and seventy-six, at five o'clock p. m., presented the same to the Governor for his approval.

MC CARTHY, Chairman. }

By Mr. Bush:

MR. PRESIDENT: The Hospital Committee, to whom was referred Senate Bill No. 320—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco—have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

BUSH, Chairman.

By Mr. Martin:

MR. PRESIDENT: The Committee on Public Morals, to whom was referred Senate Bill No. 37—An Act to punish "wife-whippers"—beg leave to report the same back without recommendation, as your committee cannot agree upon a verdict, some being in favor and others opposed.

MARTIN, Chairman.

Mr. McCarthy, by leave, submitted a resolution, as follows:

*Resolved*, That the Enrolling Clerk be and he is hereby authorized to enroll and return out of its regular order Senate Bill No. 169.

Adopted.

## REPORTS OF SELECT COMMITTEES.

By Mr. Spencer :

MR. PRESIDENT: The Sutter delegation, to whom was referred Assembly Bill No. 424—An Act fixing the time of electing School Trustees in the County of Sutter—has had the same under consideration, and beg leave to report it back, and recommend its passage.

SPENCER, for Delegation.

Rules suspended, and the bill above reported taken up for consideration.

Read third time and passed.

By Mr. Hopkins :

MR. PRESIDENT: The delegation from Calaveras County, to whom was referred Assembly Bill No. 326—An Act concerning the offices of Supervisors and District Attorney in the County of Calaveras—respectfully report it back, and recommend its passage.

HOPKINS, for Delegation.

Rules suspended, and the bill above reported taken up for consideration.

Read third time and passed.

## GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
SACRAMENTO, February 28th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 235—An Act to amend an Act entitled an Act to authorize Chico School District to issue bonds for building purposes, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 288—An Act entitled an Act to district the City of Oakland into wards. Also, Senate Bill No. 219—An Act for the relief of John Jackson, ex-Sheriff and ex officio Tax Collector of Trinity County.

Also, Senate Bill No. 436—An Act to fix the time for holding municipal elections in the City of Oakland.

Also, Senate Bill No. 203—An Act to authorize and direct the County Treasurer of Tulare County to pay certain orders drawn on him by the Road Commissioners of said county.

Also, Senate Bill No. 247—An Act to legalize the acts of the Board of Education of Placerville School District, and to provide for maintaining schools therein.

Also, Senate Bill No. 239—An Act to authorize the Board of Education of Vallejo Township, in the County of Solano, to borrow money for school purposes.

Also, Senate Bill No. 223—An Act to provide for refunding the debt of the County of Tehama, funded under an Act approved March thirtieth, eighteen hundred and seventy-four.

Also, Senate Bill No. 56—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, Senate Bill No. 15—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a certain new section thereto.

WILLIAM IRWIN, Governor.

## ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
SACRAMENTO, February 25th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Concurrent Resolution No. 35—Relative to authorizing the Engrossing Clerk of the Senate to correct a clerical error in Senate Bill No. 121.

CAYLAT, Assistant Clerk.



## ASSEMBLY CHAMBER.

SACRAMENTO, February 28th, 1876. j

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-fourth of February, passed Assembly Bill No. 317—An Act making appropriations for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

CAYLAT, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 317, above reported, read first and second times and referred to the Committee on Finance.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gibbons—An Act to fix the salary of the Assessor of the City of Oakland.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time and passed, and ordered to the Assembly immediately, without engrossment.

Also, an Act to fix the salary of the Superintendent of Public Schools in the City of Oakland, and to limit the powers of the Board of Education of said city.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time and passed, and ordered to the Assembly immediately, without engrossment.

By Mr. Satterwhite—An Act to authorize the Board of Supervisors of San Bernardino County to levy a tax to pay for the building of the Court-house.

Read first and second times and ordered on the general file.

Also, an Act to amend section one thousand and ninety-eight of the Political Code, in relation to the enrollment of electors.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tinnin—An Act relative to the publication of amendments to the Codes.

Read first and second times and ordered on the general file.

Also, an Act to amend sections two hundred and forty-five, two hundred and forty-six, two hundred and forty-seven, and two hundred and sixty-eight, and to repeal section two hundred and fifty-eight of the Political Code.

Read first and second times and referred to the Committee on Retrenchment.

By Mr. Lewis—An Act to amend section one thousand and one of the Political Code.

By Mr. Donovan—An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure.

Also, an Act to amend section seventy-five of the Code of Civil Procedure.

Each of the above bills read first and second times and referred to the Judiciary Committee.

By Mr. Fraser—An Act to prevent hogs and goats running at large on certain lands in this State.

Read first and second times and referred to the Committee on Agriculture.

Also, an Act in relation to the election of county officers in the County of El Dorado.

Read first and second times and referred to the Committee on State and County Revenue.

Also, an Act to authorize the County Treasurer of El Dorado County to transfer certain funds.

Read first and second times and referred to the El Dorado delegation.

By Mr. Haymond—An Act to protect the rights of conscience in behalf of persons who believe that it is their religious duty to observe the seventh day of the week as the Sabbath.

Read first and second times and referred to the Judiciary Committee, with the accompanying documents.

By Mr. Hopkins—An Act to provide for the collection of road poll taxes in the County of Calaveras.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Bush—An Act to revise an Act entitled an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers and provide for its more efficient government, approved March twenty-sixth, A. D. eighteen hundred and seventy-four.

Read first and second times, referred to the Committee on Corporations, and ordered printed.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. McCoppin offered a joint resolution in reference to the United States Marine Hospital in San Francisco.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Roach :

MR. PRESIDENT: The San Francisco delegation, at a meeting held Saturday, February twenty-sixth, eighteen hundred and seventy-six, adopted the following resolution:

WHEREAS, The representatives of San Francisco, elected to the Senate and Assembly in eighteen hundred and seventy-five, are pledged to favor early legislation authorizing the city and county to acquire, either by purchase or condemnation, a supply of pure fresh water for the inhabitants thereof; and, whereas, the delegation has twice reported to the Senate and recommended the passage of a bill known as the "Rogers Bill," which, in the opinion of the delegation, would accomplish that purpose; therefore,

*Resolved*, That the Judiciary Committee be and hereby is requested to report back, at an early day, but not later than Thursday next, Senate Bill No. 103, with such amendments only as will express in legal form:

*First*—That full power and authority be given to the City and County of San Francisco to acquire water-works for said city, without restriction as to place and price.

*Second*—That the question of acquiring water-works as aforesaid, shall, before its final consummation, be submitted to a vote of the people of the City and County of San Francisco, and that a majority of the votes cast at such election, for or against the proposition, shall be absolutely conclusive thereof.

ROACH, Chairman.

Mr. Craig offered the following as a substitute for the resolution:

WHEREAS, The representatives of San Francisco elected to the Senate and Assembly in eighteen hundred and seventy-five, are pledged to favor early legislation authorizing said city and county to acquire, either by purchase or condemnation, a supply of pure fresh water for the inhabitants thereof at a reasonable cost; and, whereas, a majority of the quorum present at the Senate delegation, and not a majority of the delegation, have twice reported to the Senate, and recommended the passage of a bill known as the "Rogers bill," which, in the opinion of a portion of the delegation, will not accomplish that result; therefore, be it

*Resolved, First*—That the Judiciary Committee be and are hereby requested to report back at an early day, but not later than Thursday next, either Senate Bill No. 103 or No. 367, with such amendments, or a substitute therefor, as will express in legal form that full power be given to the City and County of San Francisco to acquire water-works, at a cost not to exceed twelve million dollars. That said city should, in the opinion of the undersigned, proceed to acquire said supply of water by advertising for proposals to furnish the same, in the same manner as other supplies are now acquired by said city and county.

*Second*—That such bill should provide that no bid or proposal shall be submitted to a vote of the people, which does not propose to furnish at least fifty million gallons per day of constantly flowing water, and that all bids or proposals to furnish the same, with full plans and specifications, shall, before being accepted, be submitted to a vote of the people of said city and county, and the one receiving the largest number of votes shall be accepted.

CRAIG, for Minority.

Mr. Bartlett offered the following as a substitute for the whole matter:

*Resolved*, That the Judiciary Committee be requested to return the bills known as "Rogers' and Craig's water bills," to this Senate at as early a day as possible.

The substitute of Mr. Bartlett was adopted, and the resolution adopted as amended.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Haymond—An Act requiring the Board of Trustees of the City of Sacramento to appoint an expert.

Also, an Act in regard to the payment of coupons on Sacramento City bonds, funded under the Acts of April twenty-fourth, eighteen hundred and fifty-eight, and March twenty-second, eighteen hundred and sixty-four.

Each of the above bills read first and second times and ordered on the general file.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, February 28th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 121—An Act to incorporate the Town of Ukiah City, Mendocino County, California.

Also, Senate Bill No. 254—An Act to enable Point Pleasant School District, of Sacramento County, to pay its school teacher.

Also, Senate Bill No. 335—An Act for the relief of the widow and family of the late James W. Mandeville, Controller of the State of California.

Also, Senate Bill No. 169—An Act to establish water rates in the City and County of San Francisco.

And on this twenty-eighth day of February, eighteen hundred and seventy-six, at four o'clock and thirty minutes P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

Mr. Lewis, from the Judiciary Committee, verbally reported Senate Bills Nos. 103 and 367, and substitutes therefor—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose.

The bills were referred to the San Francisco delegation, on motion of Mr. Bartlett.

On motion of Mr. Haymond the rules were suspended, and Senate Bill No. 376 taken from the general file for consideration.

Senate Bill No. 376—An Act requiring the County Treasurer of Sacramento County to make certain entries, in writing, in the Treasurer's register of claims or warrants against the county.

Rules suspended, considered engrossed, read third time, and passed.

Rules further suspended, and the bill ordered to the Assembly immediately, and without engrossment.

On motion of Mr. Bush, the rules were suspended, and Assembly Bill No. 225 taken from the general file for consideration.

Assembly Bill No. 225—An Act to regulate the fees of the Sheriff of Los Angeles County.

Read third time and passed.

#### ADJOURNMENT.

At five o'clock and twenty minutes p. m., on motion of Mr. Lindsey, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, February 29th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Mr. Gibbons was granted indefinite leave of absence, and Mr. Angney for one day.

#### PETITIONS.

Mr. Hendricks presented petitions and remonstrances from citizens of Butte County, for and against the "no-fence law" for that county.

Received and referred to the Committee on Agriculture.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Beazell:

MR. PRESIDENT: The Swamp and Overflowed Land Committee, to whom was referred Senate Bill No. 287—An Act relating to the funds of Swamp Land District Number Five—report the same back, with a substitute, and recommend the passage of substitute.

Also, have had under consideration Assembly Bill No. 344—An Act relative to the assessments in Swamp Land Reclamation District Number One Hundred and Eighteen, in Contra Costa County—report the same back, and recommend its passage.

BEAZELL, Chairman.

Assembly Bill No. 344, above reported, was taken up, on motion of Mr. Beazell, under a suspension of the rules.

Read third time and passed.



## By Mr. Graves (for Mr. Gibbons):

MR. PRESIDENT: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 28—Concerning mail service between certain towns in Oregon and the City of Eureka, in California;

Also, Assembly Concurrent Resolution No. 31—Relative to mail service between Mendocino and Eureka—beg leave to report the same back, and recommend their passage.

The committee also report back Senate Concurrent Resolution No. 31—Relative to discrimination in freights upon the Central and Union Pacific Railroads—without recommendation.

Also, Assembly Concurrent Resolution No. 22—Relative to cheap postage—with the recommendation that it do not pass.

GIBBONS, Chairman.

## By Mr. O'Connor:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 306—An Act for the relief of R. M. Wilson—herewith report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 34—An Act for the relief of San Benito County—and would report the same back, and recommend that it do not pass.

O'CONNOR, Chairman.

Senate Bill No. 306, above reported, was referred to the Judiciary Committee.

## By Mr. Hill:

SENATE CHAMBER,  
SACRAMENTO, February 29th, 1876. )

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 195—An Act to amend section three thousand three hundred and eighty-five of the Political Code—have had the same under consideration, and respectfully report the same back with an amendment, recommend the adoption of the amendment and the passage of the bill as amended.

Also, Assembly Bill No. 215—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in Marysville Township, Yuba County—and herewith report the same back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

HILL, Chairman.

On motion of Mr. Hill, the rules were suspended, and Assembly Bill No. 195, above reported, taken up for consideration.

Amendment adopted in Committee of the Whole concurred in.

Read third time and passed.

Rules further suspended, and the bill ordered to the Assembly immediately.

## By Mr. Pierson:

SENATE CHAMBER,  
SACRAMENTO, February 29th, 1876. )

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 104—An Act to amend section one hundred and thirty-seven of the Civil Code—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 305—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California;

Also, Senate Bill No. 323—An Act to amend section five hundred and forty-nine of the Civil Code;

Also, Senate Bill No. 347—An Act to regulate the rates at which water shall be sold in the City and County of San Francisco—and report said bills back, with an amendment to Senate Bill No. 305, and recommend its passage as amended; and recommend that Nos. 323 and 347 do not pass, for the reason that Senate Bill No. 305, as amended, supersedes the other two bills referred to.

Also, Assembly Bill No. 111—An Act to amend sections eight hundred and sixty-eight hundred and seventy-two, eight hundred and seventy-eight, and one thousand three hundred and twenty-three of the Penal Code—and a majority recommend that it do not pass.

Also, Assembly Bill No. 115—An Act to amend sections two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and six, and two thousand seven hundred and seven of the Political Code—and recommend that it be referred to the Committee on Roads and Highways.

Also, Assembly Bill No. 223—An Act to amend section five hundred and thirty-six of the Civil Code, in relation to telegraph corporations—with amendments, and a majority recommend its passage as amended.

Also, Senate Bill No. 358—An Act to amend section six hundred and ninety of the Code of Civil Procedure—and a majority recommend that it do not pass.

Also, Assembly Bill No. 80—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure—and recommend its passage.

Also, Senate Bill No. 144—An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles—and report the same back, with amendments, and recommend the passage of the bill as amended.

Also, Senate Bill No. 94—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of land for taxes—and recommend that the Senate concur in the amendments made in the Assembly.

Also, Assembly Bill No. 303—An Act to amend section one thousand one hundred and eleven of the Code of Civil Procedure—and report the same back, with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 424—An Act in relation to the State Burying-ground—and recommend that it be referred to the Committee on Internal Improvements.

Also, Senate Bill No. 580—An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code—and report the same back, with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 553—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three—and report the same back, with an amendment, and recommend the passage of the bill as amended.

Also, Senate Bill No. 371—An Act to confer upon the Board of Supervisors of the City and County of San Francisco power to approve and ratify the acts and actions of the Board of Public Works of said city and county—and report the same back, and recommend its passage.

Also, Senate Bill No. 421—An Act confirming a water right and mill privilege to certain persons in the County of Ventura—and recommend that the bill be referred to the delegation from Ventura.

Also, Assembly Bill No. 324—An Act to legalize the assessment, equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein—and recommend its passage.

Also, Assembly Bill No. 183—An Act to authorize Grant L. Taggart, former Clerk and Recorder of Shasta County, to certify and sign certain records—and a majority recommend that it do not pass.

Also, Assembly Bill No. 234—An Act appointing and empowering Charles F. Irwin, a trustee, to execute certain trusts, directing the manner of executing the same, and the use of the funds arising therefrom—and recommend that the bill be referred to the delegation from El Dorado.

Also, Assembly Bill No. 381—An Act in relation to the office of Coroner of the County of Santa Cruz—and recommend its passage.

Also, Assembly Bill No. 343—An Act to provide for the transfer of certain Court papers from Santa Barbara County to Ventura County—and recommend its passage.

Also, Assembly Bill No. 325—An Act to fix the terms of the County Court and Probate Court, in and for the County of Modoc—and recommend its passage.

Also, Senate Bill No. 145—An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code, and to add a new section thereto, to be numbered two thousand nine hundred and fifty-five—and recommend its passage.

Also, Senate Bill No. 151—An Act to amend the Code of Civil Procedure—and report the same back, with amendments, and recommend its passage as amended.

Also, Senate Bill No. 366—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure—and report the same back, with an amendment, but a majority recommend that the bill do not pass.

Also, Assembly Bill No. 367—An Act to amend section two hundred and four of the Code of Civil Procedure—and recommend that the bill do not pass, for the reason that the section of the Code referred to in this bill is amended by Senate Bill No. 151, just reported, and for the further reason that the bill in question confers the selection of jurors upon the District Judges, which is opposed to the policy of the common law.

Also, Assembly Bill No. 329—An Act to amend section one hundred and sixty of the Code of Civil Procedure—and recommend its passage.

Also, Assembly Bill No. 308—An Act to amend section six hundred and seventy of the Code of Civil Procedure—and recommend its passage.

Also, Assembly Bill No. 313—An Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charitable and other purposes—and a majority recommend its passage.

Also, Assembly Bill No. 319—An Act to re-enact section nine hundred and forty-six of the Civil Code, relating to personal property—and herewith report the same back, and recommend its passage.

PIERSON, for Committee.

Assembly Bill No. 115, above reported, referred to the Committee on Roads and Highways.

Senate Bill No. 424, above reported, referred to the Committee on Internal Improvements.

Senate Bill No. 421, above reported, referred to the Ventura County delegation.

Assembly Bill No. 234, above reported, referred to the El Dorado County delegation.

#### REPORT OF SELECT COMMITTEE.

By Mr. Beazell:

MR. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 464—An Act to amend an Act entitled an Act to fix the salaries of certain officers in Alameda County, and for other purposes, approved February twenty-seventh, eighteen hundred and seventy-four—report the same back, with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 75, with substitute—An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda, passed March thirtieth, eighteen hundred and seventy-four—report the same back, and recommend its reference to the Judiciary Committee.

BEAZELL, for Delegation.

On motion of Mr. Beazell, the rules were suspended, and Assembly Bill No. 464 taken up for consideration.

Senate substitute for the bill adopted.

Read third time and passed.

Rules further suspended, and the bill ordered to the Assembly immediately.

Senate Bill No. 75, above reported, referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hilborn—An Act to provide for the payment of John F. Swift, for his services as special counsel for the State in prosecuting certain suits.

By Mr. Evans—An Act amending the Political Code by adding a new section thereto, to be numbered section four thousand one hundred and ninety-four, in relation to the duties of Sheriffs.

Each of the above bills read first and second times and referred to the Judiciary Committee.

Also, an Act concerning roads and highways in the County of San Joaquin.

Read first and second times and ordered on the general file.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Satterwhite, the rules were suspended, and Senate Bill No. 284 taken from the general file and re-referred to the Judiciary Committee.

By Mr. Bartlett:

*Resolved*, That the Senate Paper-folder is hereby authorized and directed to act as messenger to the State Printing Office.

Adopted.

On motion of Mr. Hill, the rules were suspended, and Assembly

Bills Nos. 44 and 45 were taken from the general file and recommit-  
ted to the Committee on Roads and Highways.

GENERAL FILE.

Senate Bill No. 54—An Act to regulate proceedings for the collec-  
tion of taxes, and to prevent oppressive costs.

Read third time and passed.

Assembly Bill No. 154—An Act to provide for the construction of  
division fences.

Amendments adopted in Committee of the Whole concurred in.

Amended by inserting the Counties of Amador, San Luis Obispo,  
Ventura, Santa Barbara, Tulare, El Dorado, Tuolumne, San Mateo,  
and Nevada.

Read third time and passed.

Senate Bill No. 166—An Act to amend section five hundred and  
fifty-nine of the Code of Civil Procedure, relating to the release of  
attachments on real property.

Assembly amendment to the bill concurred in.

New rule, to be numbered Rule 57.

Amended to read as follows:

RULE 57. No bill or resolution, after its final passage or adoption by the Senate, shall be  
reported to the Assembly until after the adjournment of the Senate for the day on which such  
final vote was had, unless by order of the Senate.

Adopted as amended.

Senate Bill No. 339—An Act to amend section two thousand nine  
hundred and sixteen of the Political Code of the State of California,  
relating to wharves.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Haymond, in accordance with previous notice, moved to recon-  
sider the vote by which the Senate on yesterday concurred in Assem-  
bly amendment to Senate Bill No. 215, as follows: Strike out the  
words "of the report of the State Board of Equalization, two thou-  
sand copies."

The vote was reconsidered, and the Senate refused to concur in the  
amendment.

Mr. Farley, by leave, submitted the following report:

SACRAMENTO, February 29th, 1876.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 137  
—An Act concerning mutual insurance companies—have had the same under consideration,  
report the same back, and recommend that the bill do not pass.

Also, Senate Bill No. 154—An Act to establish a uniform policy of fire insurance in this State  
—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 280—An Act to amend an Act to incorporate the City of Santa  
Barbara, approved March tenth, eighteen hundred and seventy-four—report the same back, and  
recommend its passage.

Also, Assembly Bill No. 302—An Act to ratify and confirm Ordinance Number Forty-seven,  
passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of  
the said city, on the twentieth day of January, eighteen hundred and seventy-six; and  
Ordinance Number Forty-eight, passed by the Common Council of the City of Santa Barbara,  
and approved by the Mayor of the said city, on the twenty-seventh day of January, A. D.  
eighteen hundred and seventy-six—report the same back, and recommend its passage.

Also, Senate Bill No. 8—An Act to amend certain sections of the Political Code, and to repeal  
certain sections of said Code, all relating to insurance—report the same back, with amendments,  
respectfully recommend the adoption of the amendments, and recommend the passage of the  
bill as amended.

Also, Senate Bill No. 12—An Act to amend certain sections of the Civil Code, and to add  
certain new sections to said Code, all relating to insurance—report the same back, with amend-



ments, respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

FARLEY, Chairman.

GENERAL FILE CONTINUED.

Assembly Bill No. 59—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.

Read third time and passed.

Assembly Bill No. 194—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Read third time and passed.

Assembly Bill No. 273—An Act to protect public roads in Santa Clara County.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

Senate Bill No. 369—An Act amendatory of and supplementary to an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 82—An Act to provide for the payment of the claim of John Breuner.

Amendment adopted in Committee of the Whole concurred in.

[Mr. Farley in the chair.]

SPECIAL ORDER.

Tuesday, February twenty-ninth, at twelve o'clock m. Senate Bill No. 270—An Act to add a new section to the Penal Code, to be designated as section two hundred and fifty-eight.

On motion of Mr. Pierson, was postponed until Tuesday, March seventh, at twelve o'clock m., and Senate Bill No. 276 was ordered made a special order for the same day and hour.

Senate Bill No. 82 continued.

Mr. Tinnin moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by Messrs. Fraser, McCune, and Tinnin, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Bush, Donovan, Farley, Graves, Hilborn, Howe, Laine, Lindsey, Nunan, Roach, Rogers, Spencer, Tinnin, and Turner—15.

NOES—Messrs. Benzell, Craig, Eakin, Edgerton, Evans, Flint, Fraser, Haymond, Hendricks, Hill, Lewis, Martin, McCoppin, McCune, O'Connor, Pierson, Satterwhite, and Tuttle—18.

Rules suspended, considered engrossed, read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tinnin, Edgerton, and Fraser, and it passed, by a vote as follows:

AYES—Messrs. Benzell, Craig, Eakin, Edgerton, Evans, Flint, Fraser, Haymond, Hendricks, Hill, Lewis, Martin, McCoppin, McCune, O'Connor, Pierson, Satterwhite, and Tuttle—18.

NOES—Messrs. Bartlett, Bush, Donovan, Farley, Graves, Hilborn, Howe, Laine, Lindsey, Nunan, Roach, Rogers, Spencer, Tinnin, and Turner—15.

Senate Bill No. 317—An Act authorizing Isaac E. Davis and others to construct and maintain a wharf at Santa Cruz.

Substitute adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.  
Senate Bill No. 344—An Act to authorize the City of Oakland to construct main sewers.

Amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

#### RECESS.

At twelve o'clock and thirty minutes p. m. the Senate took a recess.

#### RE-ASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate re-assembled.

President pro tem. in the chair.

Roll called, and a quorum present.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, )  
SACRAMENTO, February 29th, 1876. )

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-third, passed Assembly Bill No. 210—An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 355—An Act to authorize the construction of a wagon road from the mouth of City Creek to Long Point, in San Bernardino County.

Also, Assembly Bill No. 377—An Act to authorize the School Trustees of Lower Lake School District, in Lake County, to raise funds for school purposes.

Also, Assembly Bill No. 414—An Act to attach a portion of Carson Creek School District, in the County of Sacramento, to the Carson Creek School District, in the County of El Dorado.

Also, Assembly Bill No. 469—An Act to continue the existence of the Crescent City Plank Road and Turnpike Company.

And, on February twenty-fourth, passed Assembly Bill No. 66—An Act to regulate the fares and sale of tickets on street railroads in the City and County of San Francisco.

Also, Assembly Bill No. 79—An Act to prevent persons passing through inclosures and leaving them open: also, to prevent hunting upon inclosed lands without permission of the owner or occupant, in the County of Sonoma.

Also, Assembly Bill No. 271—An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters.

Also, Assembly Bill No. 276—An Act to provide for the claim of John Breuner.

Also, Assembly Bill No. 321—An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten of Placer County.

Also, Assembly Bill No. 388—An Act to prevent hogs and goats from running at large in the Town of Woodbridge, San Joaquin County.

Also, Assembly Bill No. 392—An Act to amend an Act entitled an Act to provide for the building of and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds, approved February seventh, eighteen hundred and seventy-six.

Also, Assembly Bill No. 416—An Act in relation to the collection of licenses in Mariposa County.

Also, Assembly Bill No. 444—An Act to legalize the assessment on lands in District Number Five, in Sutter County, for the year eighteen hundred and seventy-five.

Also, Assembly Concurrent Resolution No. 33—Relative to the construction of a breakwater and light-house at the Port of Mendocino.

Also, on February twenty-fifth, passed Assembly Concurrent Resolution No. 37—Relative to the payment of Fabian Kunhardt, for the translation of the inaugural address of Governor Irwin.

Also, on same date, amended and passed Senate Bill No. 140—An Act to separate the office of County Auditor from the office of County Recorder, and to regulate official salaries, in the Counties of Fresno, Tulare, and Kern.

Also, on February twenty-sixth, passed substitute for Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning the sale of public lands.

Also, passed Senate Bill No. 197—An Act to amend an Act entitled an Act to incorporate the City of Visalia, and to provide for public schools therein, approved February twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 249—An Act concerning St. Luke's Hospital Association.

And amended and passed Senate Bill No. 212—An Act to regulate the fees in the County of Alameda.

And adopted Senate Joint Resolution No. 33—Relative to printing the laws of the session.

Also, on February twenty-eighth, passed Senate Concurrent Resolution No. 22—Asking an appropriation to erect a light-house and fog-bell in the Straits of Carquinez.

Also, Senate Concurrent Resolution No. 25—Concerning the Oakland Harbor.

Also, to transmit the minority report of the House Committee on Translation of the laws of this session into Spanish, under Assembly Concurrent Resolution No. 25.

O'NEIL, Assistant Clerk.

#### ASSEMBLY CHAMBER,

SACRAMENTO, February 29th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, adopted the accompanying resolution, inviting the honorable Senate to attend an exhibition of the pupils of the Deaf, Dumb, and Blind Asylum, to be given in the Assembly Chamber this evening.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 66 and 469, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 392, above reported, read first and second times.

On motion of Mr. Lindsey, the rules were suspended, and the bill taken up for consideration.

By general consent, read third time and passed.

Assembly Bills Nos. 219, 355, 377, 414, 271, 321, and 444, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 79, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 276, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 388, above reported, read first and second times and ordered on file.

Assembly Bill No. 416, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Concurrent Resolution No. 33, above reported, read first and second times and referred to the Committee on Federal Relations.

Assembly Concurrent Resolution No. 37, above reported, read first and second times and referred to the Committee on Finance.

Minority report of the Joint Committee on Translation of the laws into the Spanish language, above reported, referred to the Committee on Finance.

Senate Bill No. 43, above reported, with Assembly amendments to the bill, referred to the Judiciary Committee.

Senate Bill No. 212, above reported, Assembly amendment concurred in.

Senate Bill No. 140, above reported, with Assembly amendments, referred to the Tulare County delegation.

Mr. Evans, by leave, introduced a bill as follows: An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

Read first and second times and referred to the Judiciary Committee.

Mr. Edgerton, for the Sacramento delegation, verbally reported Senate Bill No. 350—An Act to provide for the payment of certain outstanding road warrants in the County of Sacramento; also.

Senate Bill No. 374—An Act to amend an Act relating to streets and roads in the City and County of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four—recommending their passage.

GENERAL FILE RESUMED.

Assembly Bill No. 262—An Act to fix the bonds of the County Treasurers of Lassen and Modoc Counties.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

Title amended.

Senate Bill No. 225—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 122—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Read third time and passed.

Senate Joint Resolution No. 29—Asking an appropriation to erect a light-house and fog-bell at Santa Monica, Los Angeles County.

Rules suspended, considered engrossed, read third time, and adopted.

Senate Bill No. 387—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and seventy-six, and to provide for the payment of same.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 394—An Act to provide for the building of a school-house in Pajaro School District, in the County of Santa Cruz.

Read third time and passed.

Senate Bill No. 294 passed on file.

Assembly Bill No. 227—An Act to amend an Act entitled an Act supplementary to an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February twelfth, eighteen hundred and seventy-four, approved March eighteenth, eighteen hundred and seventy-four.

[Mr. Farley in the chair.]

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

Mr. Hendricks submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, February 29th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 435—An Act to amend an Act entitled an Act to reincorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, and amended March twenty-sixth, A. D. eighteen hundred and seventy.

Also, Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code.

Also, Senate Bill No. 324—An Act to prevent goats running at large in the Town of Folsom, County of Sacramento.

Also, Senate Bill No. 99—An Act granting relief to tax-payers whose lands have been sold to the State.

Also, Senate Bill No. 309—An Act to amend section one thousand five hundred of the Code of Civil Procedure.

Also, Senate Bill No. 310—An Act to amend section eight hundred and forty-three of the Political Code.



Also, Senate Bill No. 329—An Act to amend sections six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, six hundred and forty-nine, and nine hundred and fifty-six of the Code of Civil Procedure.

HENDRICKS, for Committee.

Senate Bill No. 435, above reported, was taken up under a suspension of the rules. The Secretary, by general consent, was directed to correct a clerical error in the bill.

#### GENERAL FILE CONTINUED.

Assembly Bill No. 38—An Act to authorize the appointment of an additional Interpreter for the Criminal Court of the City and County of San Francisco.

Read third time and passed.

Assembly Bill No. 40—An Act to provide for the care and maintenance of inebriates in the City and County of San Francisco.

Amendments adopted.

Read third time and passed.

Assembly Bill No. 146—An Act for the relief of James H. Clark.

Read third time and passed.

Assembly Bill No. 279—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco, approved March sixteenth, eighteen hundred and seventy-two.

Recommitted to the San Francisco delegation.

Senate Bill No. 57—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 212—An Act to reincorporate the City of Santa Cruz.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

Senate Bill No. 425—An Act to amend an Act entitled an Act to create the Eighteenth Judicial District, and for other purposes, approved February twentieth, eighteen hundred and seventy-two.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 426—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a new section thereto.

The bill, with pending amendment, was referred to the Judiciary Committee.

Senate Bill No. 253—An Act to enable S. D. Smith to bring suit against the State of California.

On motion of Mr. Haymond, laid on the table.

Assembly Bill No. 201—An Act in relation to boundary fences and the trespass of animals in the County of San Mateo.

Read third time and passed.

Senate Bill No. 362—An Act to amend section seven hundred and ninety-one of the Political Code, with reference to Notaries Public.

Referred to the Judiciary Committee, on motion of Mr. Laine.

Report of Committee on Contingent Expenses, on expenses of contested election of *Ward v. Montgomery*, passed on file.

Assembly Bills Nos. 103 and 180, and Senate Bill No. 92, passed on file.

Senate Bill No. 326—An Act to amend an Act entitled an Act supplemental to an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 296—An Act to authorize the Santa Cruz and Felton Railroad Company to purchase the property and franchises of the San Lorenzo Flume and Transportation Company.

Indefinitely postponed.

Mr. Nunan, by leave, submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, February 29th, 1876. }

MR. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Assembly Bill No. 250—An Act to authorize the Board of Supervisors of Lake County to issue bonds of said county, to pay a judgment recovered against said county in the Sixth Judicial District Court, in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five—having carefully considered and amended said bill, respectfully report the same back, and recommend its passage as amended.

NUNAN, Chairman.

#### GENERAL FILE CONTINUED.

Senate Bill No. 237—An Act to pay the claim of E. G. Jefferis and John Timmins.

On motion of Mr. Evans, ordered to the head of the general file for to-morrow.

Assembly Bill No. 312—An Act to reincorporate the City of Marysville.

Amendment adopted.

Read third time and passed.

Senate Bill No. 418 passed on file.

Senate Bill No. 312—An Act concerning corporations and persons engaged in the business of banking.

Recommitted to the Committee on Corporations, on motion of Mr. McCarthy.

Senate Bill No. 396—An Act to incorporate the City of San Luis Obispo.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 411.

Ordered to the bottom of the general file, on motion of Mr. Edger-ton.

Senate Bill No. 398—An Act to extend the franchise granted to David Gerkey and others to build a wharf at Santa Cruz.

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Lewis, the rules were suspended, and the following bills were taken up, in order to enable him to make a motion in reference to the final disposition of the bills:

Senate Bill No. 162—An Act to amend sections three hundred and fifty-two, three thousand seven hundred, and three thousand seven hundred and one of the Political Code;

Senate Bill No. 175—An Act to amend section three thousand seven hundred and ninety-nine of the Political Code, and to exempt the City and County of San Francisco from the provisions of sections

three thousand eight hundred and two, three thousand eight hundred and three, and three thousand eight hundred and eighty-one of the Political Code;

Senate Bill No. 176—An Act in relation to certain taxes on debts and moneys secured by mortgage on real property;

Senate Bill No. 280—An Act to repeal sections three thousand seven hundred and forty-eight and three thousand seven hundred and forty-nine of the Political Code, relative to the collection of taxes;

Senate Bill No. 184—An Act to amend the Political Code;

Senate Bill No. 281—An Act relating to the collection of delinquent taxes of the State for the twenty-fourth and twenty-fifth fiscal years;

Senate Bill No. 255—An Act to amend the Political Code of the State of California, and to add a new section thereto concerning the State Board of Equalization;

Senate Bill No. 295—An Act to amend sections three thousand six hundred and seventy-nine and three thousand eight hundred and eighty-seven, and to repeal section three thousand six hundred and seventy-eight of the Political Code of the State of California;

Senate Bill No. 296—An Act to repeal sections three thousand eight hundred and twenty, three thousand eight hundred and twenty-one, three thousand eight hundred and twenty-two, three thousand eight hundred and twenty-three, three thousand eight hundred and twenty-four, three thousand eight hundred and twenty-five, three thousand eight hundred and twenty-six, three thousand eight hundred and twenty-seven, three thousand eight hundred and twenty-eight, three thousand eight hundred and twenty-nine, and three thousand eight hundred and thirty of the Political Code;

Senate Bill No. 297—An Act to repeal an Act entitled an Act in relation to solvent debts other than those secured by mortgages or other liens, approved March twenty-eighth, eighteen hundred and seventy-four; and

Senate Bill No. 338—An Act to repeal an Act entitled an Act in relation to the taxation of solvent debts other than those secured by mortgage and other liens, approved March twenty-eighth, eighteen hundred and seventy-four.

On motion of Mr. Lewis, the above bills were each indefinitely postponed.

Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to revenue.

On motion of Mr. Laine, the bill was ordered at the head of the general file for Thursday next.

At four o'clock P. M. Mr. Tuttle moved to adjourn.

Lost.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, February 29th, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma, approved January sixth, eighteen hundred and seventy-two.

Also, Senate Bill No. 271—An Act to amend an Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta, approved March eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 331—An Act to grant further powers to the Trustees of the City of Benicia.

And report the same as having been presented to his Excellency the Governor for his approval, this twenty-ninth day of February, eighteen hundred and seventy-six, at one o'clock and thirty minutes P. M.

McCARTHY, Chairman.

Mr. Haymond, by leave, offered the following resolution :

*Resolved*, That the use of the Senate Chamber be granted to the Hon. James Johnson, on Tuesday evening next, for the purpose of his lecture upon the " Distinguished Men of Illinois."

Mr. Timmin moved to amend by adding to the last words the following: "*Provided*, that no committee of the Senate or member thereof do not require to use the same."

Amendment lost.

The resolution was adopted.

#### GENERAL FILE CONTINUED.

Senate Bill No. 386—An Act to amend section three thousand seven hundred and seventy-one of the Political Code, in relation to revenue.

Indefinitely postponed.

Senate Bill No. 289 passed on file.

Senate Bill No. 343—An Act to amend an Act, approved February seventeenth, eighteen hundred and seventy-four, entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 195—An Act to amend section eighty-eight of the Code of Civil Procedure, relating to the terms of the County Court in the County of Merced.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 192—An Act in reference to deeds and powers of attorney heretofore executed by married women.

Indefinitely postponed.

Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations.

Mr. Pierson moved to recommit the bill to the Judiciary Committee.

Lost.

Amendments adopted in Committee of the Whole concurred in.

Ordered engrossed.

Senate Bill No. 277—An Act to amend section one thousand eight hundred and nineteen of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 278 passed on file.

Senate Bill No. 282—An Act to amend sections two hundred and thirteen and one thousand five hundred and forty-seven of the Penal Code;

Senate Bill No. 283—An Act to amend section two thousand two hundred and twenty-one of the Political Code;

Assembly Bill No. 118—An Act to add a new section to the Political Code, in regard to the contesting elections for members of the Legislature; and

Assembly Bill No. 142—An Act to amend section four hundred and thirteen of the Code of Civil Procedure;



Were each indefinitely postponed.

Assembly Bill No. 4—An Act to amend section one thousand one hundred and sixty of the Political Code.

Read third time and passed.

Assembly Bill No. 173—An Act to amend section eight hundred and thirty-nine of the Code of Civil Procedure.

Read third time and passed.

Assembly Bill No. 57—An Act to add two new sections to the Political Code, relative to canvassing election returns.

Indefinitely postponed.

#### ADJOURNMENT.

At four o'clock and forty minutes p. m., on motion of Mr. Laine, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,

Wednesday, March 1st, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

#### IN MEMORIAM.

Mr. Lewis presented the following:

WHEREAS, The sorrowful tidings have reached the Senate of the death of the late Hon. W. W. Pendegast; and whereas, his distinguished services as a legislator was fully recognized and appreciated by his associates; therefore, be it

*Resolved*, That when the Senate adjourn this day it adjourns out of respect to the memory of that distinguished gentleman, thus manifesting the high appreciation of the great ability and manly qualities of our departed friend and co-laborer in the cause of the State.

The resolution was unanimously adopted, each Senator rising from his seat.

Mr. Graves moved a suspension of the rules, that the vote by which Assembly Bill No. 312—An Act to reincorporate the City of Marysville—was passed on yesterday, be reconsidered.

The vote was reconsidered by unanimous consent.

Amended.

Read third time and passed.

#### PETITIONS.

Mr. Bush presented a communication signed by F. A. Unus, of Los Angeles, addressed to the Legislature, setting forth that as free instruction in the State Normal School is flooding the State with teachers, an Act should be passed providing that all supernumerary school teachers holding legal certificates rest on half pay, etc.

Received and referred to the Committee on Education.

Mr. Spencer presented a petition from residents and voters of Slate Range Township, in the County of Yuba, asking that said township be set off from Yuba and annexed to Nevada County.

Received and referred to the Committee on State and County Revenue.

#### REPORTS OF STANDING COMMITTEES.

By Mr. Beazell:

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred substitute for Senate Bill No. 246—An Act to amend section three thousand four hundred and fifty-two of the Political Code—report the same back, with recommendation that it do not pass.

BEAZELL, for Committee.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on Claims, to whom was referred Assembly Bill No. 373—An Act to provide for the payment of a claim against the City of Santa Cruz—now report the same back, with a substitute, and would respectfully recommend the adoption and passage of the substitute.

O'CONNOR, Chairman.

By Mr. Edgerton (for Mr. Lewis):

SENATE CHAMBER.

SACRAMENTO, March 1st, 1876.

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 279—An Act to confirm the sales of certain lands made by the Commissioners under the Act of the Legislature, approved May, eighteen hundred and fifty-three, entitled an Act to provide for the sale of the interest of the State of California in the property within the water-line front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, one thousand eight hundred and fifty-one, and the Act supplementary thereto and amendatory thereof, passed on the first day of May, eighteen hundred and fifty-five, and to release the title of the State to the same—and herewith report the bill back, a majority recommending its passage.

Also, Senate Bill No. 370—An Act to amend section one thousand two hundred and forty-one of the Civil Code—and recommend its passage.

Also, Senate Bill No. 372—An Act to amend section four thousand and seventy-one of the Political Code—and report the same back, recommending its passage.

Also, Senate Bill No. 373—An Act to establish a State force for the detection and arrest of criminals—and report the same back, with an amendment, and recommend its adoption, and a majority recommend that the bill do not pass.

Also, Senate Bill No. 407—An Act to add a new article to the Political Code—and a majority recommend that it do not pass.

Also, Senate Bill No. 408—An Act to provide for the appointment of Bailiffs for certain Courts in the City and County of San Francisco, and to prescribe their powers and duties—and recommend that it do not pass.

Also, Senate Bill No. 427—An Act to amend section six hundred and fifty-three of the Code of Civil Procedure—and recommend its passage.

Also, Assembly Bill No. 366—An Act to amend section fifty-eight of the Code of Civil Procedure—and recommend that it be indefinitely postponed.

Also, Senate Bill No. 437—An Act to amend section three thousand six hundred and forty-four of the Political Code—and report the same back, with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 125—An Act to add three sections to the Political Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two—and herewith report the same back, with amendments, and recommend the passage of the bill as amended.

Also, Senate Bill No. 428—An Act to add another section to the Penal Code—and recommend its passage.

Also, Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—and recommend that it be referred to the Committee on Mileage.

Also, Senate Bill No. 285—An Act to amend section two hundred and ninety of the Civil Code, concerning corporations—and report the same back, with amendments, and recommend its passage as amended.

Also, Senate Bill No. 375—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure—and recommend that it do not pass.

Also, Senate Bill No. 382—An Act to amend section two hundred and sixty-eight of the Political Code—and recommend its passage.

Also, Senate Bill No. 401—An Act to prevent blackmail as to land titles in the County of Los Angeles—and recommend that it do not pass.

Also, Assembly Bill No. 233—An Act to repeal section six hundred and eighty-four of the Political Code, relative to the salary of the State Board of Examiners—and herewith report the same back with amendments, and recommend the passage of the bill as amended.

Also, Senate Bill No. 405—An Act to amend an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two—and report the same back with amendments, and recommend its passage.

Also, Senate Bill No. 406—An Act for the relief of Mrs. T. M. Logan—and a majority recommend its passage.

Also, Assembly Bill No. 342—An Act to regulate the compensation of certain attachés of the Assembly, and to abolish certain offices therein named, and to provide for the performance of the duties of the offices so abolished—and recommend that it do not pass.

Also, Senate Bill No. 430—An Act for the relief of George Green and James Smith, of the City and County of San Francisco—and recommend that it be referred to the delegation, from San Francisco.

Also, Assembly Bill No. 270—An Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes—and a majority recommend its passage.

Also, Assembly Bill No. 131—An Act to amend sections three thousand four hundred and forty-one, three thousand four hundred and forty-two, and three thousand four hundred and forty-three of the Political Code—and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 345—An Act to amend the Political Code—and recommend that it do not pass.

LEWIS, Chairman.

Assembly Bill No. 294 and Senate Bill No. 430 were so referred.

#### REPORTS OF SELECT COMMITTEES.

Mr. Lindsey, for the Tulare County delegation, verbally reported Senate Bill No. 140—An Act to separate the office of County Auditor from the office of County Recorder, and regulate official salaries in the Counties of Fresno, Tulare, and Kern—recommending a concurrence in the Assembly amendments to the bill.

Amendments concurred in.

By Mr. Fraser:

MR. PRESIDENT: The El Dorado delegation, to whom was referred Senate Bill No. 457, and Assembly Bill No. 234, respectfully report that they have had the same under consideration, and report said bills back, with a recommendation that they pass.

FRASER, for Delegation.

On motion of Mr. Fraser, the rules were suspended and the bills above reported taken up for consideration.

Senate Bill No. 457.

Rules suspended, considered engrossed, read third time and passed.

Assembly Bill No. 234.

Read third time and passed.

By Mr. Hilborn:

MR. PRESIDENT: The Solano delegation, to whom was referred Assembly Bill No. 340, report the same back, and recommend its passage.

McCUNE AND HILBORN, Delegation.

On motion of Mr. Hilborn, the rules were suspended and the bill above reported taken up for consideration.

Read third time and passed.

Mr. McGarvey, for the Del Norte delegation, verbally reported Assembly Bill No. 266—An Act in relation to the Superintendent of Schools of Del Norte County—recommending that the bill do not pass.

Mr. Satterwhite, for the San Bernardino delegation, verbally reported Assembly Bill No. 355—An Act to authorize the construction of a wagon road from the mouth of City Creek to Long Point, in San Bernardino County—recommending the passage of the bill.

Mr. Martin, for the Placer County delegation, verbally reported Assembly Bill No. 321—An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten, of Placer County—requesting its reference to the Committee on Agriculture.

The bill was so referred.

By Mr. Nunan :

SENATE CHAMBER,  
SACRAMENTO, March 1st, 1876. }

MR. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Senate Bill No. 434—An Act to amend sections three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, and three thousand six hundred and thirty of the Political Code—respectfully report the same back, and recommend its passage.

Also, Senate Bill No. 351—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 197—An Act concerning the office of County Clerk of Santa Barbara County—report the same back and recommend its passage.

Also, Assembly Bill No. 287—An Act to authorize the Board of Supervisors of Santa Barbara County to build a jail and hospital in said county, to issue bonds of said county for construction thereof, and to provide for the payment of the same—having amended said bill, report it back, and recommend its passage as amended.

Also, Senate Bill No. 87—An Act to provide for assessment of incumbrances on real estate—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 428—An Act to authorize the Board of Supervisors and County Treasurer of the County of Stanislaus to transfer certain funds—report the same back, and recommend its passage.

NUNAN, Chairman.

On motion of Mr. McCune, Senate Bill No. 434, above reported, was taken up.

On motion of Mr. O'Connor, the bill was referred to the Judiciary Committee.

By Mr. Turner :

SENATE CHAMBER,  
SACRAMENTO, March 1st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 146—An Act to amend section four hundred and ninety-seven of the Civil Code, in relation to street railroads.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to grant the right of way to convey water in pipes to supply the inhabitants of the Town of Red Bluff, approved February twenty-first, eighteen hundred and sixty.

And have, on this first day of March, eighteen hundred and seventy-six, at ten o'clock and thirty minutes A. M., presented the same to his Excellency the Governor for his approval.

TURNER, for Committee.

By Mr. Hill :

MR. PRESIDENT: The Lake delegation, to whom was referred Assembly Bill No. 377—An Act to authorize the School Trustees of Lower Lake School District, in Lake County, to raise funds for school purposes—have had the same under consideration, and respectfully report the bill back, with the recommendation that it be referred to the Committee on Education.

HILL, for Delegation.

The bill was so referred.

By Mr. Spencer :

MR. PRESIDENT: The Yuba delegation, to whom was referred Assembly Bill No. 165—An Act to reduce the number of members of the Board of Supervisors of Yuba County—has had the same under consideration, and recommend that it do not pass.

SPENCER, for Delegation.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 29th, 1876. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 196—



An Act to provide for the payment of outstanding claims for the support of public schools in Mendocino County.

Also, Senate Bill No. 213—An Act supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 267—An Act to enable the Board of Trustees of the City of Sacramento to pay certain indebtedness contracted for street repairs in said city.

Also, Senate Bill No. 335—An Act for the relief of the widow and family of the late James W. Mandeville, Controller of the State of California.

WILLIAM IRWIN, Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Pierson—An Act to amend section four hundred and seventy of the Civil Code.

Also, an Act to amend section twelve hundred and forty-eight of the Code of Civil Procedure.

Each of the above bills read first and second times and referred to the Judiciary Committee.

#### GENERAL FILE.

Senate Bill No. 237—An Act to pay the claims of E. G. Jefferis and John Timmins.

Mr. O'Connor moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by Messrs. Evans, Edgerton, and Timmin, and the motion prevailed by a vote as follows:

AYES—Messrs. Bartlett, Bush, Donovan, Eakin, Farley, Fraser, Graves, Hendricks, Howe, Lane, Lindsey, McCappin, McCune, Numan, O'Connor, Reach, Rogers, Satterwhite, Spencer, Tinnin, Turner, and Tuttle—22.

NOES—Messrs. Beazell, Craig, Edgerton, Evans, Flint, Martin, and Pierson—7.

Senate Bill No. 94—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of land for taxes.

Assembly substitute concurred in.

Senate Bill No. 333—An Act to amend section three thousand three hundred and eighty-four of the Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 340—An Act to amend certain sections of the Political Code, relative to licenses.

Indefinitely postponed.

Senate Bill No. 292—An Act to add two more sections to the Civil Code, and numbered sections five hundred and fifty-two and five hundred and fifty-three.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 378—An Act to call in and pay the registered warrants of Butte County.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 377—An Act authorizing the Treasurer of Butte County to transfer certain funds.

Rules suspended, considered engrossed, read third time, and passed.

#### RECESS.

At twelve o'clock and thirty minutes p. m. the Senate took a recess.

## RE-ASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Mr. Flint submitted a report, as follows:

## SENATE CHAMBER,

SACRAMENTO, March 1st, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 109—An Act to authorize the widening of Dupont street, in the City of San Francisco.

Also, Senate Bill No. 286—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Also, Senate Bill No. 300—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 339—An Act to amend section two thousand nine hundred and sixteen of the Political Code of this State, relating to wharves.

FLINT, for Committee.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Lewis—An Act to amend section three thousand four hundred and sixty-five of the Political Code.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. McCarthy—An Act entitled an Act to amend an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private land therefor, approved April first, eighteen hundred and seventy-two, and supplementary thereto.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. Roach (by request)—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn private property for that purpose.

Read first and second times and referred to the San Francisco delegation.

By Mr. McCoppin—An Act to appropriate moneys for the purpose of insuring the State Printing Office.

Read first and second times, rules suspended, considered engrossed, and by general consent read third time and passed.

## GENERAL FILE CONTINUED.

Senate Bill No. 360—An Act concerning the salary of the District Attorney of San Bernardino County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 246—An Act to legalize certain proceedings of the Board of Supervisors of Tulare County; and

Assembly Bill No. 282—An Act to fix the salary and bond of the Assessors of the Counties of Tulare and Kern;

Each read third time and passed.

Assembly Bill No. 178 passed on file.

Senate Bill No. 320—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco.

Ordered printed and referred to the San Francisco delegation.

Senate Bill No. 37—An Act to amend section two hundred and forty-three of the Penal Code.

Amendment adopted in Committee of the Whole concurred in.

Mr. Nunan moved to amend section two hundred and forty-three, line five, printed bill, by striking out the words "the wife of the assailant," and insert "a woman."

Lost.

Mr. Pierson offered an amendment as follows: Strike out all after "assailant," and insert as follows: "by imprisonment in the County Jail not less than six months, nor exceeding one year."

Lost.

The bill was further amended.

Rules suspended, considered engrossed, read third time, and passed.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

##### ASSEMBLY CHAMBER.

SACRAMENTO, March 1st, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-sixth, passed Assembly Bill No. 491—An Act to provide for the maintenance and construction of roads and highways in the County of Mariposa.

Also, on same date, passed Assembly Bill No. 496—An Act to provide for the issuance of bonds of the Town of San Luis Obispo.

Also, on February twenty-eighth, passed Assembly Bill No. 378—An Act to incorporate the City of Monterey.

Also, on same date, passed Assembly Bill No. 112—An Act to provide for the purchase of certain supplies for State officers and members of the Legislature.

Also, Assembly Bill No. 249—An Act to amend an Act entitled an Act to restrict sheep from being herded or running at large in certain portions of Lake County.

Also, on this date, passed, under suspension of rules, and ordered transmitted without engrossment, Assembly Bill No. 483—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four.

Also, that the House concurred in Senate amendments to Assembly Bills Nos. 40, 154, 212, 227, 262, 273, and 312, and receded from its amendment to section two of Senate Bill No. 215.

O'NEIL, Assistant Clerk.

##### ASSEMBLY CHAMBER.

SACRAMENTO, March 1st, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February eighteenth, passed Assembly Bill No. 199—An Act to fix the penal sum of the official bond of the County Treasurer of the County of Alpine.

Also, on February twenty-fourth, passed Assembly Bill No. 284—An Act to establish the fees of Justices of the Peace in and for the County of San Benito.

Also, Assembly Bill No. 341—An Act to grant land for right of way to the Arcata Transportation Company.

Also, Assembly Bill No. 399—An Act concerning goats in the County of Mariposa.

Also, Assembly Bill No. 404—An Act to amend an Act to provide for the establishing, maintaining, and protecting public and private roads in the County of Colusa, approved March twenty-sixth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 400—An Act to apply to the Counties of Fresno and Sutter the provisions of an Act entitled an Act to transfer certain funds in the County of Kern, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 417—An Act to amend the Political Code, in reference to the boundaries of Alameda County.

Also, on February twenty-fifth, passed Assembly Bill No. 453—An Act to restrict sheep from being herded or running at large in Sacramento County.

Also, Assembly Bill No. 475—An Act to make applicable to Del Norte County an Act entitled an Act in relation to fence and pound districts in the County of Sonoma, approved March second, eighteen hundred and seventy-two.

Also, on February twenty-sixth, passed Assembly Bill No. 76—An Act relative to apprentices and masters.

Also, on February twenty-eighth, passed Assembly Bill No. 221—An Act to establish the county line between the Counties of Fresno and Tulare.

And that the Assembly concurred in Senate amendments to Assembly Bills Nos. 195 and 375.

O'NEIL, Assistant Clerk.

#### ASSEMBLY CHAMBER.

SACRAMENTO, March 1st, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, amended and passed Senate Bill No. 266—An Act to provide for the improvement of the streets of the City of Sacramento.

Also, on February twenty-ninth, passed Assembly Bill No. 523—An Act to fix the terms of the County and Probate Courts of the County of Calaveras.

Also, Assembly Bill No. 182—An Act prescribing the maximum rate which may be charged for the transportation of passengers and freight on the railroads in this State.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 496, 378, 249, 483, 499, 284, 341, 399, 404, 417, 453, 475, and 221, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 491, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 112, above reported, read first and second times and referred to the Committee on Finance.

Assembly Bill No. 400, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 76, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 523, above reported, read first and second times.

Rules suspended, and by general consent, read third time, and passed, and ordered returned to the Assembly immediately and out of its order.

Assembly Bill No. 182, above reported, read first and second times.

Mr. O'Connor moved to refer the bill to the Committee on Corporations, with instructions to report the same back to the Senate on Tuesday next, the seventh instant.

So ordered.

Senate Bill No. 266, above reported, Assembly amendments to the bill concurred in.

#### GENERAL FILE RESUMED.

Senate Bill No. 448—An Act to authorize the Board of Supervisors of San Bernardino County to levy a tax to pay for the building of a Court-house.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 450—An Act relative to the publication of the amendments to the Codes.

Rules suspended, considered engrossed, read third time, and passed.

Rules further suspended, and the bill ordered to the Assembly immediately, and without engrossment.

Senate Bill No. 461—An Act requiring the Board of Trustees of the City of Sacramento to appoint an expert.

Rules suspended, considered engrossed, read third time, and passed.



Senate Bill No. 462 passed on file.

Senate Bill No. 287—An Act relating to the funds of Swamp Land District Number Five.

Substitute and amendments adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Concurrent Resolution No. 28—Relating to the establishment of a tri-weekly mail service from the Town of Linkville, State of Oregon, to the City of Yreka, California.

Read third time and adopted.

Mr. Farley, by leave, offered a resolution as follows:

*Resolved*, That a committee of six Senators be appointed by the President to attend the funeral of the late William Wirt Pendegast, as a mark of respect to the memory of the deceased by the Senate of the State of California.

Adopted unanimously.

The President pro tem. appointed as the committee provided for under the resolution, the following: Senators Farley, Lewis, Evans, O'Connor, Edgerton, and Hill.

#### ADJOURNMENT.

At three o'clock and five minutes p. m., on motion of Mr. Evans, the Senate adjourned: when the President pro tem. announced that the Senate had adjourned out of respect to the memory of the late W. W. Pendegast, and in accordance with the resolution adopted this morning.

#### IN SENATE.

SENATE CHAMBER.

Thursday, March 2d, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Mr. Lewis, by leave, offered a resolution as follows:

*Resolved by the Senate, the Assembly concurring*, That the Enrolling Clerk of the Senate be instructed to enroll Senate Bill No. 231, as the same passed the Senate, by adding the following amendment, adopted in the Senate, to the end of section one: "*Provided*, that after the expiration of the franchise referred to in the Act of which this is amendatory, the right hereby granted shall not be exclusive, and the extension of the franchise hereby granted shall be subject to the same limitations and conditions as are provided in the Act of which this Act is amendatory:" and be it further

*Resolved by the Senate, the Assembly concurring*, That the Governor be requested to return Senate Bill No. 231 to the Senate for the purpose of making the correction as herein stated.

Adopted.

Rules suspended, and ordered transmitted to the Assembly immediately.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Beazell:

MR. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 400—An Act to apply to the Counties of Fresno and Sutter the provisions of an Act entitled an Act to transfer certain funds in the County of Kern, approved March eighteenth, eighteen hundred and seventy-four—have had the same under consideration, respectfully report the bill back, with an amendment, recommend the adoption of the amendment, and the passage of the bill as amended.

BEAZELL, for Committee.

By Mr. Nunan:

SENATE CHAMBER.

SACRAMENTO, March 2d, 1876. }

MR. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Senate Bill No. 388—An Act to provide for the redemption of the outstanding railroad bonds of Butte County—report the same back, and recommend its passage.

Also, Senate Bill No. 443—An Act to provide for the government of the County of San Diego—having amended said bill, report the same back, and recommend its passage as amended.

Also, Senate Bill No. 161—An Act to repeal sections three thousand three hundred and seventy-six, three thousand three hundred and seventy-nine, three thousand three hundred and eighty, three thousand three hundred and eighty-two, three thousand three hundred and eighty-three, three thousand three hundred and eighty-four, three thousand three hundred and eighty-five, and three thousand three hundred and eighty-six of the Political Code—report the same back, and recommend that it do not pass.

NUNAN, Chairman.

On motion of Mr. Satterwhite, the rules were suspended, and Senate Bill No. 443, above reported, taken up for consideration.

Amendments adopted in Committee of the Whole concurred in.

Rules further suspended, considered engrossed, read third time, and passed.

## REPORTS OF SELECT COMMITTEES.

By Mr. Lindsey:

MR. PRESIDENT: The Tulare delegation, to whom was referred Assembly Bill No. 221—An Act to establish the county line between the Counties of Fresno and Tulare—have had the same under consideration, and now respectfully report the same back, with amendments, recommend that the bill, with proposed amendments, be referred to the Committee on Counties and County Boundaries.

LINDSEY, for Delegation.

The bill was referred.

By Mr. Flint:

MR. PRESIDENT: The San Benito delegation, to whom was referred Assembly Bill No. 284—An Act to establish the fees of Justices of the Peace in and for the County of San Benito—ask leave to report the same back, and recommend that it do not pass.

FLINT, for Delegation.

Mr. Farley, for the delegation, verbally reported Assembly Bill No. 499—An Act to fix the penal sum of official bonds of the County Treasurer of the County of Alpine—recommending its passage.

On motion of Mr. Farley, the rules were suspended, and the bill above reported taken up for consideration.

Read third time and passed.

Ordered to the Assembly out of its order, under a suspension of the rules.

By Mr. Roach:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 394—An Act amendatory of and supplementary to an Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco, approved

April fourth, eighteen hundred and seventy—have considered the same, and prepared a substitute therefor, and recommend the passage of the substitute.

Also, have considered Senate Bill No. 445—An Act to confer additional powers on the Treasurer of the City and County of San Francisco—and recommend its passage.

Also, have considered Senate Bill No. 445—An Act to authorize certain parties to construct a tunnel under Alamo Square, for a street railroad, in the City and County of San Francisco—and recommend its indefinite postponement.

Also, have considered Senate Bill No. 445—An Act granting the Omnibus Railroad Company certain rights therein named—and recommend its passage.

Also, have considered Senate Bill No. 365—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco—and recommend its passage.

ROACH, Chairman.

By Mr. Hill:

MR. PRESIDENT: The Napa delegation, to whom was referred Assembly Bill No. 289—An Act to create a Board of Water Trustees for the City of Napa, and to provide means for the construction of water-works for said city, and for the future government of same—have had the same under consideration, and respectfully report the same back, and recommend it be referred to the Committee on Corporations.

HILL, for Delegation.

The bill was so referred.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tuttle—An Act to widen English street in the City of Petaluma, and to take private property therefor.

Read first and second times and referred to the Committee on Corporations, with the accompanying petition and protest.

By Mr. Howe—An Act to authorize the Board of Education of the City and County of San Francisco to sell certain school property, and to provide for the support of the common schools of said city and county.

Read first and second times and referred to the San Francisco delegation.

#### GENERAL FILE.

On motion of Mr. Flint, the rules were suspended, and Assembly Bills Nos. 381 and 270 taken up out of their order.

Assembly Bill No. 381—An Act in relation to the office of Coroner of the County of Santa Cruz.

Read third time and passed.

Assembly Bill No. 270—An Act fixing the terms of the members of the Board of Supervisors of Monterey County, and other purposes.

Read third time and passed.

The bills were ordered transmitted immediately to the Assembly, under suspension of the rules.

[President pro tem. in the chair.]

Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to revenue.

On motion of Mr. Edgerton, the bill, with pending amendments, was ordered to the head of the general file for Tuesday, the seventh instant.

Assembly Concurrent Resolution No. 31—Relative to the establishment of a tri-weekly mail from Mendocino City, in Mendocino County, to the City of Eureka, in Humboldt County.

Read third time and adopted.

Senate Concurrent Resolution No. 31—Asking Congress to prevent

the discrimination of freight on the Central and Union Pacific Railroads.

Recommitted to the Committee on Federal Relations, with instructions to report the same on Tuesday, the seventh instant.

Reports were made, by leave, as follows:

Mr. Lewis, for the delegation, verbally reported Assembly Bill No. 404—An Act to amend an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa, approved March twenty-sixth, eighteen hundred and seventy-four—recommending the passage of the bill.

Mr. McGarvey, for the delegation, verbally reported Assembly Bill No. 341—An Act to grant land for the right of way to the Arcata Transportation Company—asking its reference to the Committee on Corporations.

So referred.

Mr. Edgerton, for the delegation, verbally reported Assembly Bill No. 453—An Act to restrict sheep from being herded or running at large in Sacramento County—recommending its passage.

#### GENERAL FILE CONTINUED.

Assembly Concurrent Resolution No. 22—Relative to cheap postage. Read third time and adopted.

Assembly Bill No. 34 passed on file.

Assembly Bill No. 215—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in Mariposa Township, Yuba County.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

Title amended.

Assembly Bill No. 104—An Act to amend section one hundred and thirty-seven of the Civil Code.

Indefinitely postponed.

Senate Bill No. 305—An Act to amend section five hundred and forty-nine of the Civil Code.

Amendment adopted in Committee of the Whole concurred in.

Mr. Craig offered a substitute for the bill.

Mr. Edgerton moved that the bill and substitute therefor, together with Senate Bill No. 347, be printed, and that they be referred to the Judiciary Committee, with instructions to report upon the whole subject on Wednesday, the eighth instant.

So ordered.

Senate Bill No. 323 passed on file.

Assembly Bill No. 111—An Act to amend sections eight hundred and sixty, eight hundred and seventy-two, eight hundred and seventy-eight, and one thousand three hundred and twenty-three of the Penal Code.

Indefinitely postponed.

Assembly Bill No. 223—An Act to amend section five hundred and thirty-six of the Civil Code, in relation to telegraph corporations.

Amendments adopted in Committee of the Whole concurred in.

Read third time.

Indefinitely postponed.



## RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

## RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President pro tem. in the chair.

Roll called, and a quorum present.

Mr. Turner submitted a report as follows:

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 64—An Act to authorize the Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same—have had the same under consideration, now report it back, with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

TURNER, for Committee.

On motion of Mr. Graves, the rules were suspended, and the bill above reported taken up for consideration.

Amendments adopted.

Rules further suspended, considered engrossed, read third time, and passed.

By Mr. Roach:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bills Nos. 27, 51, and 131—Acts to provide for the completion of the building, in the City and County of San Francisco, known as the City Hall—have considered the same, and recommend that they do not pass. They herewith submit a new bill, and recommend the passage of the same, and also recommend that the same be printed.

ROACH, Chairman.

On motion of Mr. McCoppin, the San Francisco delegation were allowed to withdraw Senate Bills Nos. 27, 51, and 131, above reported.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Shirley—An Act to amend Chapter IV. of Title X., Part II., of the Code of Civil Procedure of the State of California, by adding a section thereto.

Read first and second times and referred to the San Francisco delegation.

By Mr. Edgerton—An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

By the San Francisco delegation—An Act to provide for the completion of the building, in the City and County of San Francisco, known as the City Hall.

Read first and second times, ordered on the general file, and to be printed.

By Mr. Graves—An Act to add a new section to the Political Code, to be numbered section four thousand one hundred and fifteen, in relation to municipal incorporations.

By Mr. Lewis (by request)—An Act to prohibit the sale of intoxicating liquors within two miles of College City, Colusa County, State of California.

Each of the above bills read first and second times and referred to the Judiciary Committee.

By Mr. Satterwhite—An Act to provide for the irrigation of the Colorado Desert, west of Fort Yuma.

Read first and second times and referred to the Committee on Irrigation and Water Rights.

By Mr. Donovan—An Act concerning the office of Collector of Licenses for the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Also, an Act entitled an Act to amend section one thousand six hundred and twenty-four of the Civil Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Pierson—A joint resolution in reference to the United States Shipping Act of June seventh, eighteen hundred and seventy-two.

Read first and second times, and, with accompanying documents, referred to the Committee on Federal Relations.

Mr. Evans offered a preamble and resolutions in reference to the swamp and overflowed lands and swamp land districts in the various counties in this State, directing the Judiciary Committee of the Senate to report whether or not the swamp land districts mentioned in the preamble, and formed since January first, eighteen hundred and seventy-three, embracing lands which were also embraced in other swamp land districts, formed either before or after May twenty-eighth, eighteen hundred and sixty-eight, are legally formed, etc.

The resolutions were ordered printed and referred to the Judiciary Committee.

#### REPORTS.

Reports were made as follows:

By Mr. Flint:

#### SENATE CHAMBER.

SACRAMENTO, March 2d, 1876. ]

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 369—An Act amendatory of and supplementary to an Act to provide road funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 82—An Act to provide for the payment of the claim of John Breuner.

Also, substitute for Senate Bill No. 317—An Act to extend the franchise to J. E. Davis and O. P. Jordan and others to construct a wharf at Santa Cruz.

Also, Senate Bill No. 344—An Act to authorize the City of Oakland to construct main sewers.

Also, Senate Bill No. 225—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, Senate Concurrent Resolution No. 29—Asking an appropriation to erect a light-house and fog-bell at Santa Monica, Los Angeles County.

Also, Senate Bill No. 387—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and seventy-six, and to provide for the payment of the same.

Also, Senate Bill No. 57—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 425—An Act to amend an Act entitled an Act to create the Eighteenth Judicial District, and for other purposes, approved February twentieth, eighteen hundred and seventy-two.

FLINT, for Committee.

By Mr. Bush:

MR. PRESIDENT: The Hospital Committee, to whom was referred Senate Bill No. 334—An Act to repeal Chapter III., Title VII., of the Political Code, relating to burials, burials, and deaths—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

BUSH, Chairman.

GENERAL FILE RESUMED.

Senate Bill No. 358 passed on file.

Assembly Bill No. 80—An Act to amend sections one thousand six hundred and twenty-eight, one thousand six hundred and thirty-four, and one thousand six hundred and forty-seven of the Code of Civil Procedure.

Read third time and passed.

Senate Bill No. 144—An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles.

Reported from the Committee of the Whole with amendments.

On motion of Mr. Edgerton, the bill was referred to a special committee, consisting of Messrs. McGarvey, Lewis, Laine, Craig, and Turner, with instructions to report the same to the Senate on Monday morning next.

Mr. McCarthy submitted reports as follows:

SENATE CHAMBER.

SACRAMENTO, March 24, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Concurrent Resolution No. 25—Concurrent Resolution concerning the Oakland Harbor.

Also, Concurrent Resolution No. 22—Asking an appropriation to erect a light-house and fog-bell on the Straits of Carquinez.

Also, Senate Bill No. 197—An Act to amend an Act entitled an Act to incorporate the City of Visalia, and provide for public schools therein, approved February twenty-seventh, eighteen hundred and seventy-four.

And have, this second day of March, eighteen hundred and seventy-six, at one o'clock and thirty minutes P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

SENATE CHAMBER.

SACRAMENTO, March 2d, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 166—An Act to amend section five hundred and fifty-nine of the Code of Civil Procedure, relating to the release of other inmates and property—And have, this second day of March, eighteen hundred and seventy-six, at one o'clock and forty-five minutes P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

Mr. McCarthy, by leave, introduced a bill as follows: An Act to confirm resolutions numbers three thousand eight hundred and sixty-eight and three thousand nine hundred and ninety-two (new series) of the Board of Supervisors of the City and County of San Francisco.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

On motion of Mr. McCoppin, Senate Bill No. 397 was ordered printed.

GENERAL FILE CONTINUED.

Assembly Bill No. 178—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa, approved March twenty-eighth, eighteen hundred and seventy-two, and the amendments thereto, and to incorporate the Town of Santa Rosa.

Read third time and passed.

Rules suspended, and the bill ordered transmitted to the Assembly immediately, out of its order.

Assembly Bill No. 303—An Act to amend section one thousand one hundred and eleven of the Code of Civil Procedure.

Amendments adopted.

Read third time and passed.

Senate Bill No. 380—An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code.

On motion of Mr. Bartlett, referred to the San Francisco delegation.

Senate Bill No. 353—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

Amendment adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 371—An Act to confer upon the Board of Supervisors of the City and County of San Francisco power to approve and ratify the acts and actions of the Board of Public Works of said city and county.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 324—An Act to legalize the assessment, equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein.

Read third time and passed.

Assembly Bill No. 183 passed on file.

Assembly Bill No. 343—An Act providing for the transfer of certain Court papers from Santa Barbara County to Ventura County; and

Assembly Bill No. 325—An Act to fix the terms of the County and Probate Courts in and for the County of Modoc.

Each read third time and passed.

Senate Bill No. 145—An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code, and to add a new section thereto, to be numbered section two thousand nine hundred and fifty-five.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 151—An Act to amend the Code of Civil Procedure. Ordered second on the general file for Monday next, and to be printed.

Senate Bill No. 366 passed on file.

Assembly Bill No. 367—An Act to amend section two hundred and four of the Code of Civil Procedure.

Ordered third on the general file for Monday next.

Assembly Bill No. 329—An Act to amend section one hundred and sixty of the Code of Civil Procedure.

Read third time and passed.

Assembly Bill No. 308—An Act to amend section six hundred and seventy of the Code of Civil Procedure.

Read third time and passed.

Assembly Bill No. 313—An Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charitable and other purposes.



Mr. Lewis moved to indefinitely postpone the bill.

Lost.

Read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Laine, Bush, and Fraser, and it passed, by a vote as follows:

Ayes—Messrs. Angrey, Bartlett, Donovan, Eakin, Evans, Flint, Hillborn, Hill, Howe, Martin, McCompin, McQuavey, Numan, Pearson, Reach, Rogers, Turner, and Tuttle—18.

Noes—Messrs. Bush, Craig, Egenton, Farley, Fraser, Graves, Laine, Lewis, Lindsey, McCune, O'Connor, Satterwhite, Shirley, Spencer, and Tinnin—15.

Mr. Flint submitted the following report:

SENATE CHAMBER.

SACRAMENTO, March 24, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 326—An Act to amend an Act entitled an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Also, Senate Bill No. 396—An Act to incorporate the City of San Luis Obispo.

Also, Senate Bill No. 398—An Act to extend the franchise granted to David Gerkey and others to build a wharf at Santa Cruz.

Also, substitute for Senate Bill No. 343—An Act to amend an Act, approved February seventeenth, eighteen hundred and seventy-four, entitled an Act granting right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant.

FLINT, for Committee.

#### GENERAL FILE CONTINUED.

Assembly Bill No. 319—An Act to re-enact section nine hundred and forty-six of the Civil Code, relating to personal property.

Read third time and passed.

Senate Bill No. 137—An Act concerning mutual insurance companies.

Indefinitely postponed.

Mr. Bartlett, for the San Francisco delegation, by leave, verbally reported back to the Senate. Senate Bill No. 380—An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code.

Amendments made in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

#### ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Graves, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER.

Friday, March 3d, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Mr. Martin was granted indefinite leave of absence on account of sickness in his family.

## PETITIONS.

The President presented a petition from the Trustees of the Boys' and Girls' Aid Society of San Francisco, relative to an appropriation. Received and referred to the San Francisco delegation.

Mr. Beazell presented a petition of citizens of the Town of Alameda, asking the passage of a law granting power to open and widen streets in said town.

Received and referred to the Judiciary Committee.

Also, a petition from citizens of Livermore, asking the passage of Assembly Bill No. 182, known as "the Archer bill."

Received and referred to the Committee on Corporations.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. O'Connor:

MR. PRESIDENT: The Committee on Claims, to whom was referred Assembly Bill No. 75—An Act for the payment of the claim of A. L. Baneroft & Co.—would report the same back, and recommend its passage.

Also, Assembly Bill No. 276—An Act to provide for the payment of the claim of John Brenner—and would report the same back, without recommendation.

O'CONNOR, Chairman.

Rules suspended, and Assembly Bill No. 75, above reported, taken up for consideration.

Read third time and passed.

Subsequently, on motion of Mr. O'Connor, the bill was ordered transmitted immediately to the Assembly, under suspension of the rules.

By Mr. Angney:

MR. PRESIDENT: The Finance Committee have considered the following bills:

Assembly Bill No. 112—An Act to provide for the purchase of certain supplies for State officers and members of the Legislature—and recommend its passage.

Also, Assembly Concurrent Resolution No. 37—Relative to the payment of Fabian Kunhardt for the translation of the inaugural address of Governor Irwin—and recommend that it pass.

Also, Senate Bill No. 361—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—and recommend that it pass.

Also, Senate Bill No. 368—An Act relating to bank deposits—and recommend that it pass.

Also, Senate Bill No. 390—An Act to repeal section four hundred and fifteen of the Political Code—and recommend its passage.

Also, Senate Bill No. 440—An Act to appropriate the sum of seven thousand dollars for the improvement of the roads and sidewalks around the Stockton Insane Asylum—and have amended the same, and recommend its passage as amended.

They have also had under consideration the report of the minority of the Joint Committee on Translating the Laws into Spanish, and recommend adoption of the report.

ANGNEY, for Committee.

By Mr. Fraser:

MR. PRESIDENT: The Sacramento and El Dorado delegations, to whom was referred Assembly Bill No. 414—An Act to attach a portion of Carson Creek School District, in the County of Sacramento, to the Carson Creek School District in the County of El Dorado—report that they have considered the same, and herewith report the bill back, and recommend its passage.

FRASER, for Delegation.

By Mr. Shirley:

MR. PRESIDENT: We herewith submit to your honorable body the joint report of the Senate and Assembly Committees on State Prison matters.

Very respectfully,

PAUL SHIRLEY, Chairman.

Mr. Shirley, by leave, offered the following resolution:

*Resolved*, That as the report of the Joint Prison Committee is plainly written, the original copy be sent directly to the State Printer, without going to the Copying Clerks, and that four hundred and eighty copies be printed for the use of the Senate and Assembly.

Rules suspended and the resolution adopted.

By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 231—An Act to protect agriculture, and to prevent the trespassing of animals on private property in the County of San Bernardino, and in the County of San Diego—have had the same under consideration, and herewith respectfully report the same back, with the recommendation that the amendments as proposed by the delegation be adopted, and the passage of the bill as amended.

HILL, Chairman.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Graves:

MR. PRESIDENT: The delegation from San Luis Obispo report back Assembly Bill No. 496—An Act to provide for the issuance of bonds of the Town of San Luis Obispo—with amendments, and recommend the reference of the bill and amendments to the Committee on Corporations.

W. J. GRAVES.

The bill was so referred.

By Mr. Hill:

MR. PRESIDENT: The Lake County delegation, to whom was referred Assembly Bill No. 249—An Act to amend an Act entitled an Act to restrict sheep from being herded or running at large in certain portions of Lake County—have had the same under consideration, and herewith respectfully report the bill back, and recommend it be referred to the Committee on Agriculture.

Also, Assembly Bill No. 239—An Act concerning county officers of Lake County, their fees and salaries—report the same back, with a substitute, recommend the adoption of the substitute, and reference to the Committee on State and County Revenue.

HILL, for Delegation.

The bills were so referred.

By Mr. McCune:

MR. PRESIDENT: The Yolo delegation, to whom was referred Assembly Bill No. 483, report the same back, with an amendment, and respectfully recommend its passage as amended.

MCCUNE, for Delegation.

Rules suspended, and the bill above reported taken up for consideration.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

Rules further suspended, and the bill ordered to the Assembly immediately, and out of its order.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, March 2d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March first, passed Senate Bill No. 376—An Act requiring the County Treasurer of Sacramento County to make certain entries, in writing, in the Treasurer's register of claims or warrants against the county.

Also, Senate Bill No. 446—An Act to fix the salary of the Assessor of the City of Oakland.

Also, Senate Bill No. 447—An Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city.

Also, on this date, concurred in Senate Concurrent Resolution No. 37, relative to correcting error in Senate Bill No. 231.

And concurred in Senate amendments to Assembly Bill No. 464.

O'NEIL, Assistant Clerk.

#### ASSEMBLY CHAMBER.

SACRAMENTO, March 2d, 1876. )

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 349—An Act to amend section one thousand four hundred and fifteen of the Code of Civil Procedure, relative to the estates of deceased persons.

Also, Assembly Bill No. 134—An Act to repeal section three thousand six hundred and forty-four of the Political Code, and to amend section three thousand six hundred and forty-six of the Political Code.

Also, Assembly Bill No. 37—An Act to regulate street railroads in the City and County of San Francisco.

Also, Senate Bill No. 216—An Act to establish and define the powers and duties of the Board of Education of Grass Valley School District, in the County of Nevada, the said district including the Town of Grass Valley.

Also, Senate Bill No. 352—An Act to incorporate the Town of Haywards.

Also, Senate Bill No. 240—An Act to amend an Act entitled an Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office, approved March thirtieth, eighteen hundred and seventy-four.

And indefinitely postponed Senate Bill No. 160—An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure: and

Senate Bill No. 337—An Act for the relief of W. S. Safford.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 37, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bills Nos. 349 and 134, above reported, each read first and second times and referred to the Committee on Corporations.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hilborn—An Act to add a new section to the Civil Code, to be numbered five hundred and fifty-two.

Read first and second times and referred to the Committee on Corporations.

By Mr. Beazell—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places, in the said city, approved April fourth, eighteen hundred and sixty-four.

Read first and second times.

Rules suspended, considered engrossed, and, by general consent, read third time, and passed.

By Mr. Evans—An Act to aid in the construction of a levee and ditch to protect the grounds of the Insane Asylum at Stockton from overflow and inundation.

Read first and second times and referred to the Committee on Hospitals, with the accompanying map.

By Mr. Tuttle—An Act to provide for the support of the State government.

Read first and second times and referred to the Committee on Finance.

By Mr. Bush—An Act to authorize the Board of Trustees of Spring School District, Los Angeles County, to levy an additional tax of fifty cents on the one hundred dollars for building purposes.



Read first and second times and referred to the Committee on Education.

Mr. Flint submitted the following report:

SENATE CHAMBER,

SACRAMENTO, March 3d, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 195—An Act to fix the terms of the County Court and Probate Court in the County of Merced.

Also, Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations.

Also, Senate Bill No. 277—An Act to amend section one thousand eight hundred and nineteen of the Code of Civil Procedure.

FLINT, for Committee.

#### GENERAL FILE.

Senate Bill No. 154—An Act to establish a uniform policy of fire insurance in this State.

Indefinitely postponed.

Assembly Bill No. 280—An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, eighteen hundred and seventy-four.

Read third time and passed.

Assembly Bill No. 302—An Act to legalize and confirm Ordinance Number Forty-seven, entitled "In relation to City Blocks Numbers Eighty-eight and Eighty-nine, and the Plaza Alameda, in the City of Santa Barbara," passed and approved by the Mayor and Common Council of said city on the twentieth of January, eighteen hundred and seventy-six.

Read third time and passed.

Senate Bill No. 8—An Act to amend certain sections of the Political Code, and to repeal certain sections of said Code, all relating to insurance.

Mr. Graves moved that the bill, together with Senate Bill No. 12, be ordered at the head of the general file for Monday next.

Lost.

Amendments adopted in Committee of the Whole concurred in.

Mr. Tuttle offered an amendment.

Mr. Laine offered an amendment to the amendment.

Pending the consideration of the bill, on motion of Mr. Laine, the special orders set for twelve o'clock M., and also at one o'clock and thirty minutes P. M., for to-day, were postponed until Thursday, the ninth instant, at the same hours.

#### RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

#### RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

Senate Bill No. 8 continued.

Mr. Laine, by leave, withdrew his amendment to the amendment.

Mr. Edgerton moved to amend by adding all of section ten, from line twenty-eight, after the word "California," heretofore stricken out.

Adopted.

The amendment offered by Mr. Tuttle was now considered, reading as follows: Amend section ten by adding thereto the following: "Proof of service of the summons and complaint must be made by his deputy or principal clerk, as follows: The certificate of the Sheriff, and the affidavit of the Commissioner showing the deposit of a duly certified copy of the summons and complaint in the Post-office, prepaid and directed to said company or corporation, at its home office or principal place of business, stating the date of such deposit, and to which the same was directed."

Adopted.

Mr. Laine moved to amend by striking out after the word "corporation," line nine, down to and including the word "State," in line eleven, printed bill.

Lost.

On motion of Mr. Tuttle, the vote adopting the amendments offered by the Committee on Corporations to section eleven of the bill, was reconsidered, and the Senate refused to adopt the amendments.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 12—An Act to amend certain sections of the Civil Code, and to add certain new sections to said Code, all relating to insurance.

Amendments adopted in Committee of the Whole concurred in.

Ordered engrossed.

Mr. McCarthy submitted the following report:

SENATE CHAMBER,  
SACRAMENTO, March 3d, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 249—An Act concerning St. Luke's Hospital Association.

Also, Senate Bill No. 140—An Act to separate the office of County Auditor from the office of County Recorder, and to regulate official salaries of the Counties of Fresno, Tulare, and Kern.

Also, Senate Bill No. 212—An Act to regulate fees in the County of Alameda.

And have this day, the third of March, eighteen hundred and seventy-six, at eleven o'clock and thirty minutes A. M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

By Mr. Spencer:

MR. PRESIDENT: The Sutter delegation, to whom was referred Assembly Bill No. 444—An Act to legalize the assessments on lands in District Number Five, in Sutter County, for the year eighteen hundred and seventy-five—has had the same under consideration, and begs to report it back, with a substitute, and recommend the passage of the substitute.

SPENCER, for Delegation.

The bill above reported was referred to the Committee on Swamp and Overflowed Lands.

By Mr. Eakin:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Senate Bill No. 459—An Act to provide for the collection of road poll-taxes in the County of Calaveras—report the same back, with the recommendation that it do pass.

EAKIN, Chairman.

Rules suspended, and the above reported bill taken up for consideration.

Rules further suspended, considered engrossed, read third time, and passed.

Mr. Gibbons, for the Committee on Federal Relations, verbally

reported Senate Joint Resolution No. 36—In reference to the United States Marine Hospital, in San Francisco—recommending its passage.

Rules suspended, considered engrossed, read third time, and passed.

Rules further suspended, and the resolution ordered transmitted to the Assembly immediately.

Mr. Donovan presented a report of mileage due the Committee on Public Buildings, and moved its reference to the Committee on Mileage.

So referred.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Donovan—An Act to amend an Act entitled an Act repealing Article IV. of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV., approved April first, eighteen hundred and seventy-two.

By Mr. Numan—An Act granting further powers to the Board of Supervisors of the City and County of San Francisco, and to the Auditor and Treasurer thereof.

Each of the above bills were read first and second times and referred to the San Francisco delegation.

By Mr. Spencer—An Act relating to fees and salaries of certain officers in Yuba County.

Read first and second times and referred to the Yuba County delegation.

By Mr. McGarvey—An Act to add an additional section to the Civil Code, concerning corporations, and numbered section three hundred.

Read first and second times and referred to the Judiciary Committee.

By Mr. Pierson—An Act supplementary to an Act approved March thirtieth, eighteen hundred and seventy-four, and entitled an Act to abolish the Board of City Hall Commissioners, and to provide for the continuance of the construction of the City Hall of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Mr. Bush, by general consent, withdrew Senate Bill No. 488, introduced by him this morning.

#### GENERAL FILE.

Senate Bill No. 465—An Act concerning roads and highways in the County of San Joaquin.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 350—An Act to amend an Act entitled an Act relative to streets and roads in the City and County of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 374—An Act to provide for the payment of certain outstanding road warrants in the County of Sacramento.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 388—An Act to prevent hogs and goats from running at large in the Town of Woodbridge, San Joaquin County.

Read third time and passed.

Senate Bill No. 250.

On motion of Mr. Hill, referred to the Committee on State and County Revenue, with instructions to report the bill on Monday morning next, and that the bill take its place at the head of the general file.

Mr. Lewis, by leave, offered a resolution as follows:

*Resolved*, That when the Senate adjourns this day it adjourns to meet on Monday, the sixth instant.

Adopted.

Subsequently, the resolution was amended to read three o'clock P. M. on Monday.

Adopted as amended.

Mr. McGarvey submitted a report as follows:

MR. PRESIDENT: The special committee, to whom was referred Senate Bill No. 144—An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles—have considered the same, and report the same back, with a substitute, and recommend the passage of the bill as amended.

McGARVEY, for Committee.

Rules suspended, and the bill above reported taken up for consideration.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

By general consent, ordered transmitted to the Assembly immediately without engrossment.

#### GENERAL FILE.

Senate Bill No. 294—An Act to add a new section to the Political Code.

Mr. Hendricks submitted the following report:

SENATE CHAMBER.

SACRAMENTO, March 3d, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 457—An Act to authorize the County Treasurer of El Dorado County to transfer certain funds.

Also, Senate Bill No. 333—An Act to amend section three thousand three hundred and eighty-four of the Political Code.

Also, Senate Bill No. 378—An Act to call in and pay the registered warrants of Butte County.

Also, substitute for Senate Bill No. 292—An Act to add another section to the Civil Code, numbered section five hundred and fifty-two.

Also, Senate Bill No. 377—An Act to authorize the Treasurer of Butte County to transfer certain funds.

Also, Senate Bill No. 360—An Act concerning the salary of the District Attorney of San Bernardino County.

Also, Senate Bill No. 37—An Act to amend section two hundred and forty-three of the Political Code.

Also, Senate Bill No. 472—An Act to appropriate moneys for the purpose of insuring the State Printing Office.

Also, Senate Bill No. 448—An Act to authorize the Supervisors of San Bernardino County to levy a tax to pay for the building of a Court-house.

Also, Senate Bill No. 461—An Act requiring the Board of Trustees of the City of Sacramento to appoint an expert.

Also, Senate Bill No. 443—An Act to provide for the government of the County of San Diego.

HENDRICKS, for Committee.



Mr. Evans, by leave, submitted the following report:

MR. PRESIDENT: The Committee on Mileage beg leave to report that they find the report of the Committee on Public Buildings referred to them to be correct, and that the amounts set opposite their respective names, as mileage for traveling on duty as members of said Committee on Public Buildings, to be due.

They therefore recommend the adoption of the following resolution:

*Resolved*, That Senators Hill, Denovan, Spencer, and Beazell, and Committee Clerk O'Connor, be each allowed the sum of one hundred and sixty-two dollars and fifty cents; Senator Nunan, the sum of one hundred and five dollars, and Senator Evans, ninety-one dollars, to be paid out of the appropriation for the contingent expenses of the Senate, and the Controller is directed to draw his warrants in their favor for said sums respectively.

GEO. S. EVANS,  
THOMAS FRASER,  
For Committee.

The resolution was adopted.  
Senate Bill No. 294 continued.

#### ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Pierson, the Senate adjourned; when the President declared the Senate adjourned until Monday, the sixth instant, at three o'clock P. M.

#### IN SENATE.

SENATE CHAMBER.

Monday, March 6th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of Friday, March third, read and approved.

Senators Haymond and Nunan were granted indefinite leave of absence, and Senators Lewis and Edgerton for one day.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 79—An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California—have had the same under consideration, respectfully report the bill back, with an amendment, recommending the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 455—An Act to prevent hogs and goats running at large on certain lands in this State—and hereby report the same back, and recommend its passage.

Also, Assembly Bill No. 249—An Act to amend an Act to restrict sheep from being herded or running at large in certain portions of Lake County—respectfully report the bill back, and recommend its passage.

Also, Assembly Bill No. 278—An Act to amend an Act to protect agriculture in the County of Butte, approved March tenth, eighteen hundred and seventy-four—herewith report the same back, with an amendment, recommending the adoption of the amendment, and the passage of the bill as amended.

HILL, Chairman.

By Mr. Farley:

SACRAMENTO, March 6th, 1876.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 496—An Act to provide for the issuance of bonds of the Town of San Luis Obispo—have had the same under consideration, report the bill back, with amendments, respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Assembly Bill No. 341—An Act to grant land for the right of way to the Arcata Transportation Company—report the same back, and recommend that it do not pass, because the committee believe it unconstitutional.

Also, Senate Bill No. 473—An Act to widen English street, in the City of Petaluma, and to take private property therefor—report the same back, with amendments, respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 395—An Act to authorize the formation of corporations sole—report the same back, and recommend its passage.

Also, Senate Bill No. 432—An Act to enable the Nevada and Mountain Lake Ice Company to change its principal place of business from Nevada City, Nevada County, State of California, to the City and County of San Francisco, State of California—report the same back, with a substitute, and recommend the adoption and passage of the substitute.

Also, Senate Bill No. 383—An Act to incorporate the Town of Livermore, Alameda County—report the bill back, and recommend its reference to the delegation.

FARLEY, Chairman.

Senate Bill No. 383, above reported, was referred to the Alameda delegation.

By Mr. Angney:

MR. PRESIDENT: The Committee on Finance have had under consideration Senate Bill No. 272—An Act to provide for a deficiency in the appropriation for the support of the State Normal School, for the twenty-sixth and twenty-seventh fiscal years; and,

Also, Senate Bill No. 439—An Act to appropriate the sum of eight thousand dollars to make certain repairs on the State Normal School, and to provide furniture therefor.

And report back a substitute for both bills, and recommend the passage of the substitute.

ANGNEY, for Committee.

By Mr. McCarthy:

SENATE CHAMBER.

SACRAMENTO, March 6th, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 9—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of land for taxes.

Also, Senate Bill No. 266—An Act to provide for the improvement of the streets of the City of Sacramento.

And on this sixth day of March, eighteen hundred and seventy-six, at three o'clock and ten minutes P. M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

By Mr. McGarvey:

MR. PRESIDENT: The Committee on Irrigation and Water Rights have had under consideration Senate Bill No. 9—An Act to provide for a system of irrigation in the Counties of Fresno, Tulare, and Kern—and have reported a substitute therefor, and recommend the adoption and passage of the substitute.

Also, Assembly Bill No. 73—An Act entitled an Act to create an irrigation district, to be called the West Side Irrigation District—and report the same back, with amendments, and recommend the passage of the bill as amended.

Also, Assembly No. 2—An Act entitled an Act to authorize Abram S. Sally to construct and maintain a ditch to convey water for irrigating, domestic, and other purposes, in San Benito County—and report the same back, with a recommendation that it do not pass.

MCGARVEY, Chairman.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Roach:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 384—An Act to provide for the collection of delinquent taxes for the twenty-fourth, twenty-fifth, and twenty-sixth fiscal years, in the City and County of San Francisco—have considered the same, and recommend its passage as amended.

Also, have considered Senate Bill No. 385—An Act to provide for the collection of delinquent taxes in the City and County of San Francisco—and recommend the passage of the same as amended.

ROACH, Chairman.

### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, March 3d, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 229—An Act to extend the time in which Swamp Land District Number One Hundred and Twenty-five should complete its work of reclamation.

Also, Senate Bill No. 169—An Act to establish water rates in the City and County of San Francisco.

Also, Senate Bill No. 81—An Act to regulate salaries and to fix the compensation of certain officers in the County of Contra Costa.

Also, Senate Bill No. 100—An Act to regulate the fees of office and to fix the compensation of certain officers in the County of Contra Costa.

WILLIAM IRWIN, Governor.

### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, March 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, adopted and ordered transmitted immediately, Assembly Concurrent Resolution No. 40—Relative to instructing and authorizing the Enrolling Clerk of the Assembly to insert certain words in Assembly Bill No. 112.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March first, passed Assembly Bill No. 440—An Act supplemental to and amendatory of an Act entitled an Act to incorporate the Town of Alameda, and an Act amendatory of said Act.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty eighth, passed Assembly Bill No. 15—An Act entitled an Act to protect settlers on the east side of the Sacramento River, in Colusa County, from overflow.

Also, Assembly Bill No. 130—An Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco.

Also, Assembly Bill No. 369—An Act fixing the number of Supervisors of Humboldt County.

Also, Assembly Bill No. 421—An Act for the relief of Elijah True.

Also, Assembly Bill No. 452—An Act to fix the terms of the County Court of San Benito County.

Also, Assembly Bill No. 242—An Act to protect irrigation, and to make water rights responsible for expenses incurred on irrigating ditches in San Bernardino County.

Also, Assembly Bill No. 460—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 455—An Act to fix the rate of compensation of the officers of the County of Amador.

Also, Assembly Bill No. 431—An Act concerning roads and highways in Contra Costa County and Solano County.

Also, on February twenty-ninth, Assembly Bill No. 471—An Act to provide for the collection of road poll taxes in the County of Marin.

Also, on March first, passed Assembly Bill No. 504—An Act to amend section one thousand seven hundred and seventy-one of the Political Code.

Also, Assembly Bill No. 359—An Act to provide for the safe-keeping of public funds in the City of Oakland.

Also, on this date, passed Senate Bill No. 343—An Act to amend an Act entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant, approved February seventeenth, eighteen hundred and seventy-four.

O'NEIL, Assistant Clerk.

## ASSEMBLY CHAMBER,

SACRAMENTO, March 6th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on February twenty-fifth, passed Assembly Bill No. 292—An Act to regulate the price and qualities of gas in the City and County of San Francisco.

Also, on March second, passed Assembly Bill No. 224—An Act to repeal an Act entitled an Act to make women eligible to educational offices.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 440, 292, 130, 369, 460, 455, 435, 471, and 539, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 224, above reported, read first and second times and referred to the Committee on Education.

Assembly Concurrent Resolution No. 40, above reported, concurred in, and ordered returned to the Assembly immediately, under a suspension of the rules.

Assembly Bill No. 15, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 242, above reported, read first and second times and referred to the Committee on Irrigation and Water Rights.

Assembly Bill No. 421, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 452, above reported, read first and second times and ordered on the general file.

Assembly Bill No. 504, above reported, read first and second times and referred to the Judiciary Committee.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. McCoppin—An Act to ratify and carry into effect a certain resolution of the Board of Supervisors of the City and County of San Francisco.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. Bartlett—An Act relating to acknowledgments of deeds and other instruments in writing, affecting real estate, taken before consular agents of the United States prior to July first, eighteen hundred and seventy-four.

Read first and second times and referred to the Judiciary Committee.

By Mr. Shirley—An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin.

Read first and second times and referred to the Committee on Finance.

By Mr. Graves—An Act to amend section one thousand four hundred and sixty-five of the Code of Civil Procedure of this State, relating to homesteads.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hopkins—An Act to amend sections two thousand four



hundred and thirty, two thousand four hundred and thirty-nine, two thousand four hundred and forty of Article V., Title VI., Chapter I. Also, sections two thousand four hundred and fifty-seven, two thousand four hundred and fifty-eight, two thousand four hundred and sixty, two thousand four hundred and sixty-four, two thousand four hundred and sixty-five, two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, two thousand four hundred and sixty-eight of Article VI., Title VI., Chapter I., of the Political Code.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Flint—An Act to authorize the Santa Cruz Line Company to build a wharf in the County of Santa Cruz.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hill—An Act in relation to the duties of the County Recorder in and for the County of Napa.

Read first and second times and referred to the Judiciary Committee.

By Mr. Farley—An Act to transfer certain funds in the State treasury belonging to the State Harbor Commission.

Read first and second times and referred to the Committee on Finance.

By Mr. Gibbons—An Act to regulate the laying of gas and water-pipes in the City of Oakland.

Read first and second times and referred to the Alameda County delegation.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Donovan offered a resolution as follows:

*Resolved*, That a committee, consisting of Senators Pierson, Laine, and Graves, be requested to examine into, and report at an early day, whether the Board of Regents of the State University be a legal body; whether the constitutional limitation of four years, as to all officers in the State, applies to said Board, contrary of the intention; whether any transfer of the university can occupy the office of Regent, and whether conveyances of land heretofore made by said Board are valid and legal conveyances, in view of any such objections as they exist.

Adopted.

#### GENERAL FILE.

Assembly Bill No. 250—An Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment rendered against said county, in the Sixth Judicial District Court in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five.

Amendments adopted.

Read third time and passed.

Senate Bill No. 151—An Act to amend the Code of Civil Procedure.

Reported from the Committee of the Whole, with amendments.

The following amendment, adopted in Committee of the Whole, was considered:

Amend section three by striking out all after the figures "204," in third line, down to and inclusive of the word "year," in eighteenth line, and in lieu thereof, insert the following: "The Board of Super-

visors of the City and County of San Francisco must, at its first regular meeting in each year, or at any other meeting, if neglected at the first, select a list of persons to serve as grand jurors in the County Court, and another list of persons to serve as trial jurors in the Courts of record in the said city and county for the ensuing year."

On concurring in the adoption of the amendment the ayes and noes were demanded by Messrs. McCoppin, Howe, and Eakin, and the Senate refused to concur, by a vote as follows:

AYES—Messrs. Bush, Craig, Flint, Gibbons, Hilborn, Hopkins, Laine, McCarthy, McCune, McGarvey, O'Connor, Pierson, Shirley, Spencer, and Turner—15.

NOES—Messrs. Auzney, Bartlett, Donovan, Eakin, Farley, Fraser, Hendricks, Hill, Howe, Lindsey, McCoppin, Beach, Rogers, Satterwhite, Tinnin, and Tuttle—16.

Amendment to section two, subdivision thirteen, concurred in.

The Senate refused to concur in the following: Amend section four by striking out the words "Judges or the," in the nineteenth line. The bill was ordered engrossed.

Bills were introduced, by leave, as follows:

By Mr. Tuttle—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. McCoppin—An Act to authorize corporations to own and improve the lots and houses in which their business is carried on.

Read first and second times and referred to Committee on Corporations.

Mr. Beazell, by leave, presented a petition from citizens of Livermore in favor of the passage of Assembly Bill No. 182, known as "the Archer bill."

Received and referred to the Committee on Corporations.

On motion of Mr. McGarvey, the Committee on Corporations were allowed until Saturday next to report Assembly Bill No. 182—An Act prescribing the maximum rate which may be charged for the transportation of passengers and freight on railroads in this State.

On motion of Mr. O'Connor, the bill was made a special order for Tuesday, the fourteenth instant, at twelve o'clock M.

#### ADJOURNMENT.

At five o'clock and seven minutes P. M., on motion of Mr. Gibbons, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, March 7th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Senator Tinnin was granted indefinite leave of absence.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Angney:

MR. PRESIDENT: The Finance Committee respectfully submit a bill entitled an Act to provide revenue for the support of the government of this State, and recommend its passage.

ANGNEY, for Committee.

An Act to provide revenue for the support of the government of this State.

Read first and second times and ordered on file.

By Mr. Turner:

MR. PRESIDENT: The Committee on Education have had under consideration Assembly Bill No. 377—An Act to authorize the Trustees of the Lower Lake School District, in Lake County, to raise funds for school purposes—herewith report the same, and recommend that it do not pass.

Also, Senate Bill No. 431—An Act to amend an Act to provide for the building of a school house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four—herewith report the same, and recommend that it do not pass, for the reason that the committee believe portions of the bill to be unconstitutional.

Also, Assembly Bill No. 320—An Act to provide for the distribution of school money in certain counties—herewith report the same back, and recommend its passage.

Also, Assembly Bill No. 429—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in the County of Sonoma—herewith report the same, and recommend that it do not pass. The reason for this adverse report is, that there is a statute now in force affording the relief sought by this bill.

TURNER, for Committee.

By Mr. McCune:

MR. PRESIDENT: Your committee, to whom was referred Assembly Bill No. 221—An Act to establish the county line between the Counties of Fresno and Tulare—have had the same under consideration, and now respectfully report the same back, with amendments, and recommend the passage of the bill as amended.

Your committee have also considered Senate Bill No. 110—An Act to amend an Act entitled an Act to establish the county line between the Counties of Fresno and Tulare, approved March twenty-seventh, eighteen hundred and seventy-four—and recommend that the same be indefinitely postponed upon the passage of the Assembly bill above reported, having the same object in view.

McCUNE, for Committee.

Mr. Gibbons, for the Committee on Federal Relations, verbally reported Senate Concurrent Resolution No. 31—Asking Congress to prevent discrimination in the transportation of freight on the Central Pacific Railroad—without recommendation.

Also, Assembly Concurrent Resolution No. 33—Relative to constructing a break-water and light-house at the Port of Mendocino—recommending its passage.

## REPORTS OF SELECT COMMITTEES.

Mr. Shirley, for the delegation, verbally reported Assembly Bill No. 431—An Act concerning roads and highways in Contra Costa County—recommending its passage.

Rules suspended, and the bill taken up for consideration.

Read third time and passed.

Mr. Beazell, for the delegation, verbally reported Senate Bill No. 502—An Act to regulate the laying of gas and water-pipes in the City of Oakland, recommending its passage.

Rules suspended, and the bill taken up for consideration.

Rules further suspended, bill considered engrossed, read third time, and passed.

By Mr. McGarvey :

MR. PRESIDENT : The delegation from Humboldt County has had under consideration Assembly Bill No. 460—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four—and recommend its passage.

Also, Assembly Bill No. 369—An Act fixing the number of Supervisors of Humboldt County—and recommend its passage.

McGARVEY, for Delegation.

Mr. Hill, for the Sonoma delegation, verbally reported Assembly Bill No. 475—recommending its reference to the Del Norte delegation.

So referred.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, March 6th, 1876.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 146—An Act to amend section four hundred and ninety-seven of the Civil Code, in relation to street railroads.

Also, Senate Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma, approved January sixth, eighteen hundred and seventy-two.

Also, Senate Bill No. 166—An Act to amend section five hundred and fifty-nine of the Code of Civil Procedure, relating to release of attachments on real property.

Also, Senate Bill No. 271—An Act to amend an Act entitled an Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta, approved March eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 197—An Act to amend an Act entitled an Act to incorporate the City of Visalia, and provide for public schools therein, approved February twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Red Bluff, approved February twenty-first, eighteen hundred and sixty.

Also, Senate Bill No. 331—An Act to grant further powers to the Trustees of the City of Benicia.

Also, Senate Bill No. 212—An Act to regulate fees in the County of Alameda.

WILLIAM IRWIN, Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Evans—An Act to amend sections two thousand one hundred and thirty-seven and two thousand one hundred and forty of the Political Code, relative to the Insane Asylum at Stockton.

Read first and second times and referred to the Committee on Hospitals.

By Mr. Bartlett—An Act to establish a Court of Arbitration of the Chamber of Commerce of San Francisco.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hill—An Act to save from destruction the vineyards of California, and to extirpate the phylloxera in said vineyards.

Read first and second times and referred to the Committee on Agriculture.



## GENERAL FILE.

Senate Bill No. 391.

On motion of Mr. McGarvey, passed on file, to retain its marginal order.

Assembly Bill No. 341—An Act to grant land for right of way to the Arcata Transportation Company.

Referred to the Judiciary Committee, on motion of Mr. McGarvey.

Assembly Bill No. 367—An Act to amend section two hundred and four of the Code of Civil Procedure.

Mr. McGarvey moved to indefinitely postpone the bill, on which the ayes and noes were demanded by Messrs. Evans, McCoppin, and Eakin, and the motion prevailed, by a vote as follows:

AYES—Messrs. Bush, Eakin, Evans, Elliott, Gibbons, Graves, Helboen, Hopkins, Laine, Lindsay, McElsthey, McCune, McGarvey, Nye, Pearson, Speddy, Tenney, and Thibault—18.

NOES—Messrs. Anthony, Baughman, Beazell, Bonaville, Farley, Fraser, Howe, McCoppin, O'Connor, Roach, Rogers, and Spencer—12.

Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations.

Read third time and passed.

Senate Bill No. 294 ordered second on the general file for to-morrow, the eighth instant.

Report of Committee on Contingent Expenses on expenses of contested election of Ward v. Montgomery.

Ordered at bottom of the general file.

Assembly Bill No. 103—An Act to amend section one thousand two hundred and forty-one of the Civil Code.

Indefinitely postponed.

Senate Bill No. 92—An Act to amend section three hundred and thirty of the Penal Code.

Ordered third on the general file for to-morrow.

Assembly Bill No. 180 and Senate Bills Nos. 418, 411, and 246, passed on file.

Assembly Bill No. 373—An Act to provide for the payment of claims against the City of Santa Cruz.

Substitute adopted.

Read third time and passed.

Senate Bill No. 279—An Act to confirm the sales of certain lands made by the Commissioners appointed under the Act of the Legislature, approved May eighteenth, eighteen hundred and fifty-three, entitled an Act to provide for the sale of the interests of the State of California in the property within the water-line front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one, and the Act supplementary to and amendatory thereof, passed on the first day of May, eighteen hundred and fifty-five, and to release the title of the State to the same.

On motion of Mr. Pearson, the special order, being consideration of Senate Bills Nos. 270 and 276, set for twelve o'clock M. to-day, was postponed until to-morrow, the eighth instant, at the same hour.

Mr. Howe moved to refer Senate Bill No. 279, now under consideration, with accompanying documents, to the San Francisco delegation.

## RECESS.

At twelve o'clock and thirty minutes p. m. the Senate took a recess.

## RE-ASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate re-assembled.

President pro tem. in the chair.

Roll called, and a quorum present.

On motion of Mr. Shirley, Assembly Bill No. 431, passed by the Senate to-day, was ordered transmitted immediately to the Assembly, and out of its order.

Senate Bill No. 279 continued.

The motion of Mr. Howe prevailed, and the bill and documents were so referred.

Mr. Bush, by leave, submitted a report as follows:

MR. PRESIDENT: The Hospital Committee, to whom was referred Senate Bill No. 486—An Act to aid in the construction of a levee and ditch to protect the grounds of the Insane Asylum at Stockton from overflow and inundation—having had the same under consideration, beg leave to report it back, and recommend its passage.

BUSH, Chairman.

Mr. Spencer, by leave, introduced a bill as follows: An Act to authorize the owners of land in Levee District Number Five, Sutter County, to reorganize under the general swamp land laws of the State.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Mr. McCarthy submitted a report as follows:

## SENATE CHAMBER.

SACRAMENTO, March 7th, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 215—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 446—An Act to fix the salary of the Assessor of the City of Oakland.

Also, Senate Bill No. 447—An Act to fix the salary of the Superintendent of Schools of the City of Oakland, and to limit the powers of the Board of Education of said city.

And on this seventh day of March, eighteen hundred and seventy-six, at eleven o'clock and thirty minutes, presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

## GENERAL FILE.

Senate Bill No. 370—An Act to amend section one thousand two hundred and forty of the Civil Code.

Amended.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 372—An Act to amend section four thousand and seventy-one of the Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 373—An Act to establish a State force for the detection and arrest of criminals.

On motion of Mr. Evans, the bill was made a special order for one o'clock and thirty minutes p. m., on Friday, the tenth instant.

Senate Bill No. 407 passed on file.

Senate Bill No. 408—An Act to provide for the appointment of Bailiffs for certain Courts in the City and County of San Francisco, and to prescribe their duties; and

Assembly Bill No. 366—An Act to amend section fifty-eight of the Code of Civil Procedure.

Each indefinitely postponed.

Senate Bill No. 427—An Act to amend section six hundred and fifty-three of the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 437 ordered at the bottom of the general file.

Senate Bill No. 125—An Act to add three sections to the Political Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two.

Amended.

Rules suspended, considered engrossed, read third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Laine—An Act to amend the Code of Civil Procedure, concerning practice in Justices' Courts.

By Mr. Pierson—An Act to add an additional section to the Code of Civil Procedure, to be designated as section one thousand nine hundred and fifty-two.

Each of the above bills read first and second times and referred to the Judiciary Committee.

Mr. Hopkins, by leave, offered a resolution to allow the clerk to the Sergeant-at-Arms two dollars per day, as additional compensation.

Referred to the Committee on Contingent Expenses.

#### GENERAL FILE RESUMED.

Senate Bill No. 428—An Act to add another section to the Penal Code.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 285—An Act to amend section two hundred and ninety of the Civil Code, concerning corporations.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 375—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure.

Indefinitely postponed.

Mr. Pierson, by leave, introduced a bill as follows: An Act relating to buildings, the more effectual prevention of fire, and the better protection of life and property in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Senate Bill No. 382—An Act to amend section two hundred and sixty-eight of the Political Code; and

Senate Bill No. 401—An Act to prevent blackmailing, as to land titles, in the County of Los Angeles.

Each indefinitely postponed.

Mr. Craig moved a suspension of the rules, that Senate Bill No.

9 be taken from the general file and referred to the Judiciary Committee, with instructions to report at an early day.

Lost.

Assembly Bill No. 233—An Act to repeal section six hundred and eighty-four of the Political Code, relative to the State Board of Examiners.

Indefinitely postponed.

Senate Bill No. 405—An Act to amend an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two.

Amendment concurred in.

Rules suspended, considered engrossed, read third time, and passed.  
Title amended.

Mr. Angney, by leave, submitted a report, as follows:

MR. PRESIDENT: The Finance Committee have had under consideration Senate Bill No. 496—An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin—and have amended the same, and recommend its passage as amended.

ANGNEY, for Committee.

Senate Bill No. 406 passed on file.

Assembly Bill No. 342—An Act to regulate the compensation of certain attachés of the Assembly, and to abolish certain offices therein named, and to provide for the performance of the duties of the offices abolished.

Indefinitely postponed.

Assembly Bill No. 131—An Act to amend sections three thousand four hundred and forty-one, three thousand four hundred and forty-two, and three thousand four hundred and forty-three of the Political Code.

On motion of Mr. Turner, the bill was referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 345—An Act to amend the Political Code;

Assembly Bill No. 165—An Act to reduce the number of members of the Board of Supervisors of Yuba County; and

Senate Bill No. 351—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Each indefinitely postponed.

Assembly Bill No. 497—An Act concerning the office of County Clerk of Santa Barbara County.

Read third time and passed.

Assembly Bill No. 287—An Act to authorize the Board of Supervisors of Santa Barbara County to build a jail and hospital in said county, and to issue bonds of said county for the construction thereof, and to provide for the payment of the same.

Amendment concurred in.

Read third time and passed.

Senate Bill No. 87—An Act to provide for the assessment of incumbered real estate.

Indefinitely postponed.

Assembly Bill No. 428—An Act to authorize the Board of Supervisors and the County Treasurer of the County of Stanislaus to transfer certain funds.

Read third time and passed.

Assembly Bill No. 266 passed on file.

Mr. Rogers, by leave, submitted the following report:



Mr. PRESIDENT: The Committee on Contingent Expenses have obtained the accompanying statement from the Secretary of State, showing the cost of stationery, gas, wood, and coal for the months of December, January, and February, during the nineteenth, twentieth, and twenty-first sessions of the Legislature.

Also, report in favor of the resolution allowing the Enrolling Clerk to appoint four Assistant Clerks.

GEORGE H. ROGERS, Chairman.

The resolution above reported was taken up.

*Resolved*, That the Enrolling Clerk be and he is hereby allowed to appoint four Assistant Enrolling Clerks.

Adopted.

STATE OF CALIFORNIA, OFFICE OF SECRETARY OF STATE, }  
SACRAMENTO, March 1st, 1876. }

In connection with the accompanying report on stationery, etc., the undersigned would respectfully call the attention of your honorable committee to the following statement of facts, as an evidence of the fair and economical manner in which he is endeavoring to administer the affairs of the office of Secretary of State:

The bills for gas, wood, and coal, for the three months commencing on the sixth day of December, eighteen hundred and seventy-five (the time the undersigned went into office), and ending March first, eighteen hundred and seventy-six, for the Capitol building, were as follows: Gas, two thousand six hundred and one dollars; wood, one thousand four hundred and seventeen dollars; and coal, seven hundred and eighty-eight dollars and ninety-one cents. During the same months of the session of eighteen hundred and seventy-three and eighteen hundred and seventy-four the gas bills were three thousand four hundred and seventy-one dollars and forty-four cents; wood, one thousand five hundred and twenty-nine dollars and fifty cents; and for coal, one thousand and fifty-six dollars. And during the same months of the session of eighteen hundred and seventy-one and eighteen hundred and seventy-two the gas cost three thousand and sixty-eight dollars; and the wood, one thousand nine hundred and twelve dollars and fifty cents; which, in the matter of gas alone, makes a saving during my term of eight hundred and seventy dollars and forty-four cents over that of eighteen hundred and seventy-three and eighteen hundred and seventy-four; and of four hundred and sixty-seven dollars over that of eighteen hundred and seventy-one and eighteen hundred and seventy-two; and when you take into consideration the fact that the price of gas during the present session is five dollars per thousand feet, while during the previous sessions referred to it was only four dollars per thousand feet, shows a still further reduction in my favor of five hundred and twenty dollars and twenty cents. Add to this the reduction in the wood and coal bills for the same terms, gives a total of about one thousand seven hundred and seventy dollars saving, in these three items alone, in favor of the present term over that of the session of eighteen hundred and seventy-three and eighteen hundred and seventy-four.

During the session of eighteen hundred and seventy-three and eighteen hundred and seventy-four there were three men employed to attend to the gas meters, and do such plumbing, repairing, etc., as might be necessary about the building. These matters are now attended to in my office, and by the janitor and assistant, at no expense whatever to the State, making another saving of over a thousand dollars in favor of the present term; and during the first month of the present session, the Sergeant-at-Arms attended to the repairing and fixing furniture, desks, drawers, etc., in the Senate and Assembly chambers, and committee rooms. This cost the State over three hundred dollars. These matters being now attended to under my direction, this item of expense is also saved to the State, there being no charge made except for the actual cost of the materials used. These changes, in favor of the State, were made by the undersigned as soon as they were discovered, and not under any instruction of the honorable Legislature, or the suggestions of any one else.

The foregoing facts can be shown by reference to the books in my office.

Respectfully,

THOMAS BECK, Secretary of State.

#### SESSION OF 1871-2.

*Statement of the amount of stationery, etc., furnished to members of the Nineteenth Session of the Legislature of the State of California, Sergeant-at-Arms, secretaries, clerks, committees, etc., from the commencement of the session to the 1st day of March, 1872.*

To the Senate and attachés.	\$5,384 06
To the Assembly and attachés.	6,162 11
Grand total	\$11,546 17

The accounts of this session were not kept separate.

## SESSION OF 1873-4.

*Statement of the amount of stationery, etc., furnished the members of the Twentieth Session of the Legislature of the State of California, Sergeant-at-Arms, secretaries, clerks, committees, etc., from the commencement of the session up to the 1st day of March, 1874.*

To the Senate.....	\$1,341 22	
To the attachés.....	1,967 69	
		\$3,308 91
To the Assembly.....	\$2,034 31	
To the attachés.....	2,247 44	
		4,281 75
		\$7,590 66
To the reporters, both Houses.....		487 79
Grand total.....		\$8,078 45

## SESSION OF 1875-6.

*Statement of the amount of stationery, etc., furnished the members of the Twenty-first Session of the Legislature of the State of California, Sergeant-at-Arms, secretaries, clerks, committees, etc., from the commencement of the session up to the 1st day of March, 1876.*

To the Senate.....	\$774 52	
To the attachés.....	1,431 46	
		\$2,205 98
To the Assembly.....	\$1,311 55	
To the attachés.....	1,299 49	
		\$2,611 04
		\$4,817 02
To the reporters, both Houses.....		81 39
Grand total.....		\$4,898 41

## RECAPITULATION.

Session of 1871-2.....	\$11,546 17
Session of 1873-4.....	8,078 45
Session of 1875-6.....	4,898 41

## ADJOURNMENT.

At three o'clock and twenty-eight minutes P. M., on motion of Mr. McGarvey, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER, }  
 Wednesday, March 8th, 1876. }

Senate met pursuant to adjournment.  
 President pro tem. in the chair.  
 Roll called, and a quorum present.  
 Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

### By Mr. Angney:

MR. PRESIDENT: The Finance Committee have considered Senate Bill No. 501—An Act to transfer certain funds in the State Treasury belonging to the State Harbor Commission—and return the same, with their approval.

ANGNEY, for Committee.

### By Mr. Beazell:

MR. PRESIDENT: The Swamp Land Committee, to whom was referred Assembly Bill No. 244—An Act to legalize the assessments on lands in District Number Five, in Sutter County, for the year eighteen hundred and seventy-five—report the same back, with a substitute, and recommend the adoption and passage of the substitute.

Also, have had under consideration Senate Bill No. 469—An Act to amend section three thousand four hundred and sixty-five of the Political Code—report the same back, and recommend its passage.

BEAZELL, for Committee.

### By Mr. Howe:

MR. PRESIDENT: The Committee on Commerce and Navigation have considered Senate Bill No. 503—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—report the same back, and recommend its passage.

HOWE, Chairman.

SENATE CHAMBER,

SACRAMENTO, March 8th, 1876. )

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 287—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Also, Senate Bill No. 64—An Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same.

Also, Senate Bill No. 353—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

Also, Senate Bill No. 371—An Act to confer upon the Board of Supervisors of the City and County of San Francisco power to approve and ratify the acts and actions of the Board of Public Works of said city and county.

Also, Senate Bill No. 145—An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code, and to add a new section thereto, to be numbered section two thousand nine hundred and fifty-five.

Also, Senate Bill No. 380—An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code.

Also, Senate Bill No. 484—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in said city, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 8—An Act to amend certain sections of the Political Code, and to repeal certain sections of said code—all relating to insurance.

HOWE, for Committee.

### REPORTS OF SELECT COMMITTEES.

### By Mr. Nunan (for Mr. Roach):

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 494—An Act to ratify, confirm, and carry into effect a certain resolution of the Board of Supervisors of the City and County of San Francisco—have considered the same and recommend its passage.

ROACH, Chairman.

Mr. Shirley, for the delegation, verbally reported Assembly Bill No. 471—An Act to provide for the collection of road poll-taxes in the County of Marin—recommending its passage.

Rules suspended and the bill taken up for consideration.

Read third time and passed.

Mr. Beazell, for the delegation, verbally reported Assembly Bill No.

539—An Act to provide for the safe keeping of public funds in the City of Oakland—recommending that the bill do not pass.

On motion of Mr. Gibbons, the bill was indefinitely postponed.

#### GOVERNOR'S MESSAGE.

A message was received from the Governor, returning to the Senate Senate Bill No. 250—An Act to provide for the construction and maintenance of an academy in the County of Tehama—without his approval, for reasons fully set forth in the message.

On motion of Mr. Lewis, the consideration of the message was made a special order for Wednesday, the fifteenth instant, at two o'clock P. M.

On motion of Mr. O'Connor, ordered printed.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

##### ASSEMBLY CHAMBER.

SACRAMENTO, March 7th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March first, passed Assembly Bill No. 525—An Act to prevent the trespassing of animals upon private property in the Counties of Stanislaus, Fresno, and Sutter.

Also, on same date, passed Assembly Bill No. 535—An Act to provide for the purchase and erection of certain bridges, and for the building and improvement of certain roads, in the County of Mendocino, California.

Also, Assembly Bill No. 396—An Act in relation to highways in the County of Solano.

Also, on March third, passed Assembly Bill No. 514—An Act to transfer the Swamp Land Fund of San Mateo County to the General Fund of said county.

Also, on March sixth, passed Assembly Bill No. 386—An Act to amend section three thousand eight hundred and twenty of the Political Code, relating to collection of taxes by the Assessors.

Also, Senate Bill No. 195—An Act to fix the terms of the County Court and Probate Court of the County of Merced.

O'NEIL, Assistant Clerk.

##### ASSEMBLY CHAMBER.

SACRAMENTO, March 7th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 552—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Assembly Bill No. 553—An Act to provide for the payment of the debt due upon the Road Fund of Butte County.

Also, Assembly Bill No. 554—An Act in relation to roads and highways in the County of Butte.

Also, on this date, passed Senate Bill No. 387—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and seventy-six, and to provide for the payment of the same.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 552, 553, 554, 535, 396, and 525, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 514, above reported, read first and second times, rules suspended, and, by general consent, read third time, and passed.

Assembly Bill No. 386, above reported, read first and second times and referred to the Judiciary Committee.



## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Pierson—An Act to amend section one thousand seven hundred and fifty of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

By Mr. O'Connor—An Act in relation to irrigation.

Read first and second times, ordered on the general file, and to be printed out of its order.

By Mr. Howe—An Act to amend section two thousand five hundred and twenty-five of the Political Code.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Fraser—An Act to protect agriculture in the County of El Dorado.

Read first and second times and referred to the Committee on Agriculture.

## GENERAL FILE.

Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to revenue.

Reported with various amendments adopted in Committee of the Whole.

Mr. McGarvey moved that the Senate do not concur in the amendment to section sixteen.

On the question, "Will the Senate concur in the amendment striking out section sixteen of the bill?" the ayes and noes were demanded by the requisite number, and the Senate concurred in the amendment, by a vote as follows :

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hill, Howe, Laine, Martin, McCoppin, McCune, McGarvey, Numan, O'Connor, Roach, Rogers, and Tuttle—22.

NOES—Messrs. Benzell, Edgerton, Evans, Hopkins, Lewis, Lindsey, Pierson, Satterwhite, Shirley, Spencer, and Turner—11.

The other amendments to the bill were concurred in, and the Secretary was directed to renumber the sections of the bill.

The bill was ordered engrossed.

Senate Bill No. 294.

On motion of Mr. Laine, made a special order for two o'clock P. M., to-day.

Senate Bill No. 92—An Act to amend section three hundred and thirty of the Penal Code.

Mr. McCarthy moved to indefinitely postpone the bill; on which the ayes and noes were demanded by Messrs. Laine, Fraser, and McCune, and the Senate refused, by a vote as follows :

AYES—Messrs. Benzell, Craig, Donovan, Farley, Fraser, Graves, Hendricks, Howe, Lewis, McCarthy, McCoppin, McGarvey, Pierson, Roach, Rogers, and Shirley—16.

NOES—Messrs. Angney, Bartlett, Bush, Eakin, Edgerton, Evans, Flint, Gibbons, Hilborn, Hill, Laine, Lindsey, Martin, McCune, Numan, O'Connor, Satterwhite, Spencer, Turner, and Tuttle—20.

Assembly Bill No. 355—An Act to authorize the construction of a

wagon road from the mouth of City Creek to Long Point, in San Bernardino County.

Read third time and passed.

Senate Bill No. 462 passed on file.

[Mr. Evans in the chair.]

Senate Bill No. 289—An Act to create the Twenty-second Judicial District.

Rules suspended, considered engrossed, read third time.

The roll was called and the bill passed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Gibbons, Graves, Hendricks, Hilborn, Hill, Laine, Lewis, Lindsey, McCarthy, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Roach, Shirley, Spencer, Turner, and Tuttle—29.  
 NOES—Messrs. Craig, Fraser, Howe, and Rogers—4.

Senate Bill No. 278—An Act to amend certain sections of the Political Code, concerning the salaries of judicial officers and of officers connected with the Supreme Court.

Mr. Lewis moved to indefinitely postpone the bill; on which the ayes and noes were demanded by Messrs. Angney, McCune, and Laine, and the Senate refused, by a vote as follows:

AYES—Messrs. Beazell, Craig, Flint, Graves, Lewis, McCarthy, Pierson, Rogers, and Satterwhite—9.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Edgerton, Evans, Farley, Fraser, Gibbons, Hendricks, Hill, Howe, Laine, Lindsey, Martin, McCoppin, McCune, McGarvey, Nunan, O'Connor, Roach, Shirley, and Spencer—24.

On motion of Mr. Pierson, the special order set for twelve o'clock M. was postponed until after recess.

Senate Bill No. 278 continued.

Section four amended, on motion of Mr. McCoppin, making the salary of the Phonographic Reporter of the Supreme Court two thousand five hundred dollars.

Section six amended, on motion of Mr. Bartlett, providing that the salary of the Clerk of the Supreme Court shall not be affected during the term of office of the present incumbent.

Rules suspended, considered engrossed, and read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. McCune, McCarthy, and Lewis, and it passed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Eakin, Edgerton, Evans, Farley, Fraser, Gibbons, Hendricks, Hill, Howe, Laine, Lindsey, Martin, McCoppin, McCune, O'Connor, Roach, Shirley, and Spencer—22.

NOES—Messrs. Craig, Donovan, Flint, Graves, Hilbron, Lewis, McCarthy, Nunan, Pierson, Rogers, and Satterwhite—11.

#### INTRODUCTION OF BILL.

Mr. Lewis, by leave, introduced a bill as follows: An Act to repeal an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals in Tehama County.

Read first and second times and referred, with accompanying certificate of an election held in said county, to the Committee on Agriculture.

#### REPORT OF SELECT COMMITTEE.

Mr. Hill, by leave, submitted a report as follows:

## SENATE CHAMBER,

SACRAMENTO, March 8th, 1876.

MR. PRESIDENT: The Lake County delegation, to whom was referred Assembly Bill No. 202—An Act to authorize the Board of Supervisors of Lake County to levy a tax for road purposes—have had the same under consideration, and herewith respectfully report the same back, and recommend its passage.

HILL, for Delegation.

The bill above reported was referred to the Committee on Roads and Highways.

## GENERAL FILE RESUMED.

Assembly Bill No. 400—An Act to apply to the Counties of Fresno and Sutter the provisions of an Act entitled an Act to transfer certain funds in the County of Kern, approved March eighteenth, eighteen hundred and seventy-four.

Amendment adopted in Committee of the Whole concurred in.

Read third time and passed.

Senate Bill No. 388—An Act to provide for the redemption of the outstanding railroad bonds of Butte County.

Rules suspended, considered engrossed, read third time, and passed.

## RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

## RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President pro tem. in the chair.

Roll called, and a quorum present.

The special order set for this hour was temporarily postponed.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Gibbons—An Act to prevent the catching of fish by seines, nets, or weirs, in San Antonio Creek, in the County of Alameda.

Read first and second times and referred to the Alameda County delegation.

By Mr. Graves—An Act to pay claims for labor and materials used in the construction of the Branch Prison at Folsom.

Read first and second times and referred to the Committee on Claims.

By Mr. Numan—An Act to provide for the appointment of a State Assayer of Ores and Metals, and to define his duties.

Read first and second times and referred to the Committee on Mines and Mining Interests.

Also, an Act to provide for the opening and extending of Leidesdorff street, in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

## REPORT.

Mr. Donovan, by leave, submitted a report as follows:

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 143—An Act to regulate contracts on behalf of the State in relation to erections and buildings—report the same back, with amendments, and recommend its passage as amended.

M. J. DONOVAN, for Committee.

## ASSEMBLY MESSAGES.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,

SACRAMENTO, March 8th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 573—An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento, approved March thirtieth, eighteen hundred and seventy-four.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,

SACRAMENTO, March 8th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March seventh, passed, under suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 438—An Act supplementary to an Act entitled an Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County, approved February eleventh, eighteen hundred and seventy-six.

Also, Assembly Bill No. 497—An Act to appropriate money to assist in the prosecution of the State against the Golden City Homestead Association.

Also, Assembly Bill No. 519—An Act for the relief of East Fork School District, in the County of Siskiyou.

Also, Assembly Bill No. 574—An Act to change the name of a town in Modoc County.

Also, passed Assembly Bill No. 402—An Act for the better protection of the county treasury of Los Angeles County.

Also, Assembly Bill No. 275—An Act to amend section two thousand and three of the Civil Code of the State of California, concerning the compensation of employes.

Also, Assembly Bill No. 407—An Act to pay the claim of E. O. F. Hastings.

Also, Assembly Bill No. 236—An Act to provide for calling a convention to revise and change the Constitution of this State.

Also, Assembly Bill No. 168—An Act to amend section seven hundred and ninety-one of the Political Code, in reference to notaries.

Also, on same date, passed Senate Bill No. 248—An Act to provide for the keeping of the Capitol and Capitol grounds.

Also, Senate Bill No. 316—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and Acts amendatory thereto.

And, on this date, concurred in Senate amendments to Assembly Bill No. 215.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 407, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bills Nos. 168, 275, and 497, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 402, 574, 519, and 438, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 573, above reported, read first and second times, rules suspended, and, by general consent, read third time and passed.

On motion of Mr. Gibbons, the special order postponed until two o'clock P. M. was discharged, and Senate Bill No. 294 ordered to retain its place on the general file for to-morrow.

The special order set for twelve o'clock M., to-day, was now taken up.

Senate Bill No. 270—An Act to add a new section to the Penal Code, to be designated as section two hundred and fifty-eight; and

Senate Bill No. 276—An Act to compel the retraction of false and defamatory articles in newspapers or serial publications;

On motion of Mr. Laine, the special order was postponed until two o'clock P. M. to-morrow.



## GENERAL FILE.

Senate Bill No. 161—An Act to repeal sections three thousand three hundred and seventy-six, three thousand three hundred and seventy-nine, three thousand three hundred and eighty, three thousand three hundred and eighty-two, three thousand three hundred and eighty-three, three thousand three hundred and eighty-four, three thousand three hundred and eighty-five, and three thousand three hundred and eighty-six of the Political Code; and

Assembly Bill No. 284—An Act to establish the fees of Justices of the Peace in and for the County of San Benito.

Each indefinitely postponed.

Senate Bill No. 334—An Act to repeal Chapter III., Title VII. of the Political Code, relating to births, marriages, and deaths.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 445—An Act to confer additional powers on the Treasurer of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 415—An Act to authorize certain parties to construct a tunnel under Alamo Square, for a street railroad, in the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 413—An Act granting the Omnibus Railroad Company certain rights therein named.

Passed on file.

Subsequently taken up under suspension of the rules.

Amended.

Rules further suspended, considered engrossed, read third time, and passed.

On motion of Mr. McCoppin, the rules were suspended, and Senate Bill No. 494 taken up out of its order for consideration.

Senate Bill No. 494—An Act to ratify, confirm, and carry into effect a certain resolution of the Board of Supervisors of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 365—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 394—An Act amendatory of and supplementary to an Act entitled an Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco, approved April fourth, eighteen hundred and seventy.

On concurring in an amendment adopted in Committee of the Whole, striking out section four of the bill, the ayes and noes were demanded by Messrs. Howe, McCoppin, and Roach, and the Senate concurred in the amendment by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Benzell, Bush, Evans, Farley, Fraser, Gibbons, Graves, Hilborn, Lamm, Lindsey, McGarvey, Numan, Pierson, Shirley, Spencer, and Tuttle—48.

NOES—Messrs. Craig, Elm, Hill, Howe, Lewis, Martin, McCarthy, McCoppin, McCune, O'Connor, Roach, Rogers, and Turner—13.

On motion of Mr. Howe, the bill was re-referred to the San Francisco delegation.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Craig—An Act providing for the removal of the remains of deceased persons interred in California street, west of Lyon street, in the City and County of San Francisco, and for the grading of California street, between Lyon street and First Avenue, in said city and county.

Read first and second times and referred to the San Francisco delegation.

By Mr. Flint—An Act to authorize the Board of Supervisors of Santa Cruz County to arrange with the Santa Cruz Railroad Company to change its railroad so as to pass through the Town of Watsonville.

Read first and second times and referred to the Judiciary Committee, with the accompany resolution.

## REPORTS, ETC.

Mr. Rogers, by leave, submitted the following statement:

## CONTINGENT EXPENSES OF SENATE, NINETEENTH SESSION FEBRUARY.

Clerk at the desk	\$349 00
Clerk for the Sergeant-at-Arms	224 00
Clerk for Judiciary Committee	224 00
Clerk for San Francisco delegation	140 00
Clerk for Committee on Corporations	170 00
Clerk for Committee on Agriculture and Lands	160 00
Clerk for Committee on Public Buildings	200 00
Clerk for Committee on Hospitals	60 00
Clerk for Committee on Codes	60 00
Clerk for Committee on Elections	135 00
Clerk for Special Committee	30 00
Engrossing Clerk	1,024 00
Enrolling Clerk	752 00
Journal Clerk Assistant	249 00
Copying Clerk	672 00
Chaplain	140 00
Door-keeper	84 00
Assistant Door-keeper	140 00
Night Watchman	112 00
Messenger	112 00
Mail Carrier	152 00
Rear Porter	112 00
Committee Room Porter	224 00
Messenger Porter	112 00
Committee on Codes (Porter)	74 00
Paper-folder	84 00
Page	252 00
Assistant Minute Clerk	208 00
Copying journals	248 75
Inaugural ceremonies	186 25
Mileage	801 15
Stationery	31 00
Repairing furniture	201 00
Locks and keys	194 75
Paper	70 00
Chandelier	70 48
Fuel	13 50
Parker's Digest	20 00
Japanese banquet	1,000 00
Newspapers	21 00

\$9,112 88

## CONTINGENT EXPENSES OF SENATE, TWENTIETH SESSION—FEBRUARY.

Clerk for the State Prison.....	\$230 00
Clerk for Sergeant-at-Arms.....	410 00
Clerk for Judiciary Committee.....	224 00
Clerk at desk.....	224 00
Clerk for Hospital Committee.....	224 00
Clerk for San Francisco delegation.....	140 00
Clerk for Committee on Corporations.....	120 00
Clerk for Committee on Counties and County Boundaries.....	40 00
Copying Clerk.....	584 00
Engrossing Clerk.....	1,096 00
County Clerk of El Dorado.....	76 00
Journal Clerk.....	136 00
Enrolling Clerk.....	136 00
Sergeant-at-Arms.....	56 00
Deputy Sergeant-at-Arms.....	138 00
Night Watchman.....	112 00
Pages.....	84 00
Mail Carrier.....	205 00
Chaplain.....	140 00
Rear Porter.....	112 00
Phonographic Reporter.....	350 00
Witnesses.....	248 00
Postage stamps.....	600 00
Mileage.....	1,265 70
Labor.....	21 18
Copying journals.....	94 56
Wells, Fargo & Company (envelopes).....	88 00
Locks and keys.....	86 25
Journal desk, \$4 50; towels, \$24; ice, \$31 75; and drayage, \$8 50.....	68 75
Merchandise, \$37 50; furniture, \$21.....	58 50
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\$7,364 94	

## CONTINGENT EXPENSES OF SENATE, TWENTY-FIRST SESSION—FEBRUARY.

Clerk for Sergeant-at-Arms.....	\$168 00
Clerk for Judiciary Committee.....	224 00
Clerk for Committee on Public Buildings.....	105 00
Clerk for San Francisco delegation.....	140 00
Clerk for State Prison Committee.....	140 00
Clerk for Committee on Corporations.....	140 00
Assistant Minute Clerk.....	168 00
Assistant Journal Clerk.....	168 00
Door-keeper.....	112 00
Mail Carrier.....	56 00
Copying Clerk.....	840 00
Engrossing Clerk.....	840 00
Enrolling Clerk.....	234 00
Sergeant-at-Arms.....	166 00
Night Watchman.....	112 00
Rear Porter.....	112 00
Pages.....	84 00
Mileage.....	303 00
Ice.....	12 50
Cushions.....	7 00
Furniture.....	44 50
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\$4,176 00	

Mr. Bush, by leave, submitted a report as follows:

MR. PRESIDENT: The Hospital Committee, to whom was referred Senate Bill No. 342—An Act to amend sections two thousand two hundred and thirty-eight and two thousand two hundred and fifty-six, and repeal section two thousand two hundred and forty of the Political Code, relating to the Deaf, Dumb, and Blind Asylum—have had the same under consideration, and beg leave to report back a substitute, and recommend the passage of the substitute.

BUSH, Chairman.

## GENERAL FILE RESUMED.

Assembly Bill No. 404—An Act to amend an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa, approved March twenty-sixth, eighteen hundred and seventy-four.

Amended.

Read third time and passed.

Assembly Bill No. 453 passed on file.

Assembly Bill No. 34—An Act for the relief of San Benito County; and

Senate Bill No. 323—An Act to amend section five hundred and forty-nine of the Civil Code.

Each indefinitely postponed.

Senate Bill No. 358—An Act to amend section six hundred and ninety of the Code of Civil Procedure.

Mr. Laine offered a substitute for the bill.

Bill, with substitute, passed on file.

Assembly Bill No. 183 passed on file.

Senate Bill No. 366—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure.

Mr. Pierson moved to refer the bill to the Judiciary Committee.

Lost.

Passed on file.

Senate Bill No. 477—An Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall.

Mr. Nunan offered a substitute for the bill, and moved the reference of the whole matter to the San Francisco delegation.

Mr. Craig moved to make the bill and substitute a special order for Monday next, at one o'clock and thirty minutes P. M.

Lost.

At four o'clock and thirty-three minutes P. M., Mr. McCarthy moved to adjourn.

Lost.

The motion to refer the whole matter to the San Francisco delegation was lost.

At four o'clock and thirty-five minutes P. M., Mr. Evans moved to adjourn.

Lost.

Mr. McCoppin moved that the bill be placed at the head of the general file for to-morrow.

Agreed to.

## ADJOURNMENT.

At four o'clock and thirty-seven minutes P. M., on motion of Mr. Howe, the Senate adjourned.



## IN SENATE.

SENATE CHAMBER,  
Thursday, March 9th, 1876. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Beazell:

MR. PRESIDENT: The Swamp Land Committee, to whom was referred Assembly Bill No. 220—An Act concerning certain reclamation districts in San Joaquin County—report the same back, and recommend its passage.

Also, have had under consideration Senate Bill No. 416—An Act to provide for levying and collecting a tax in Levee District Number Five, Sutter County, and for paying the salaries due the late State Board of Reclamation Fund Commissioners—report the same back, and recommend its passage.

BEAZELL, for Committee.

Rules suspended, and Assembly Bill No. 220, above reported, taken up for consideration.

Read third time and passed.

By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 368—An Act supplemental to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine—have had the same under consideration, and herewith respectfully report the bill back, and recommend its passage.

Also, Assembly Bill No. 277—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of Kings River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two—and report the same back, with an amendment, recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 516—An Act to protect agriculture in the County of El Dorado—and herewith respectfully report the same back, with an amendment, recommend the adoption of the amendment, and the passage of the bill as amended.

HILL, Chairman.

Senate Bill No. 516, above reported, taken up for consideration under a suspension of the rules.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Shirley, Chairman of the State Prison Committee, submitted a statement of mileage due members of said committee, and moved its reference to the Committee on Mileage.

So referred.

## REPORT OF SELECT COMMITTEE.

By Mr. Hendricks:

MR. PRESIDENT: The Butte delegation, to whom was referred Assembly Bills Nos. 552, 553, and 554, report the same back favorably, and ask their reference to the Committee on State and County Revenue.

HENDRICKS, for Delegation.

The bills were so referred.

## GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, March 8th, 1876.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 446—An Act to fix the salary of the Assessor for the City of Oakland.

Also, Senate Bill No. 464—An Act to amend an Act to fix the salaries of certain officers in the County of Alameda, and for other purposes, approved February twenty-seventh, eighteen hundred and seventy-four.

WILLIAM IRWIN, Governor.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, March 8th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March seventh, passed Assembly Bill No. 236—An Act to provide for calling a convention to revise and change the Constitution of this State.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 8th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the sixth day of March, eighteen hundred and seventy-six, passed Assembly Bill No. 332—An Act to authorize the City Council of the City of Oakland, Alameda County, to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company.

Also, Assembly Bill No. 568—An Act to fix the terms of the County and Probate Courts in and for the County of Solano.

Also, Assembly Bill No. 544—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight.

And, on this day, passed, under a suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 593—An Act to repeal all special road laws now in force and relating to the County of Del Norte.

CAYLAT, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 236, above reported, read first and second times.

On motion of Mr. Edgerton, the bill was made a special order for Thursday, the sixteenth instant, at one o'clock and thirty minutes P. M., and the special order of to-day, being Senate Bills Nos. 2 and 58, was postponed for the same day and hour.

Assembly Bills Nos. 332, 568, 593, and 544, above reported, read first and second times and referred to the delegations named in the bills.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gibbons—An Act to make, open, and establish a public street in the City of Oakland, to be called Fourteenth Avenue, to take private lands therefor, and to construct a main sewer therein.

Rules suspended, and the bill taken up for consideration.

Considered engrossed, and, by general consent, read third time and passed.

Rules further suspended, and ordered transmitted to the Assembly immediately, without engrossment.

By Mr. Roach—An Act to provide for the Boys' and Girls' Aid Society of the City of San Francisco.

Read first and second times, referred to the Committee on Finance, and ordered printed.

By Mr. Laine—An Act to amend sections four hundred and thirty-six, six hundred and sixty, and six hundred and sixty-one of the Political Code.

Read first and second times and referred to the Committee on Retrenchment.

Mr. Roach, by leave, presented a petition from resident practicing physicians of San Francisco, representing that it would be wise and economical to have some change in the health and quarantine laws, and soliciting the passage of Senate Bill No. 397, introduced by Senator McCoppin.

Received and referred to the San Francisco delegation.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Pierson introduced a resolution as follows:

*Resolved*, That no bills be introduced into the Senate after Monday, the twentieth day March, instant, unless by unanimous consent.

Referred to the Committee on Rules.

#### REPORT OF SELECT COMMITTEE.

Mr. Roach, by leave, submitted the following report:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 521—An Act to provide for the opening and extending of Leidesdorf street, in the City and County of San Francisco—have considered the same, and recommend that it be printed, and re-referred to the delegation.

Also, have considered Senate Bill No. 489—An Act to amend an Act entitled an Act repealing Article IV, of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and all Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV., approved April first, eighteen hundred and seventy-two—and recommend passage of the same as amended.

Also, have considered Senate Bill No. 311—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint and license Public Weighers for said city and county—and recommend that it do not pass.

Also, have considered Senate Bill No. 103—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose—and recommend passage of the same as amended.

Also, have considered Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco—and recommend passage of the same.

Also, have considered Assembly Bill No. 279—An Act amendatory of and supplementary to an Act in relation to Corporations in the City and County of San Francisco, approved March sixteenth, eighteen hundred and seventy-two—and recommend passage of the same.

ROACH, Chairman.

On motion of Mr. Craig, Senate Bill No. 103, above reported, was made a special order for Thursday, the sixteenth instant, at eleven o'clock A. M.

Senate Bill No. 521, above reported, was ordered printed and re-referred to the delegation.

Senate Bill No. 489, above reported, was taken up for consideration, under a suspension of the rules.

Amendment concurred in.

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Edgerton, the rules were suspended, and Assembly Bill No. 453 taken up from the general file.

Assembly Bill No. 453—An Act to restrict sheep from being herded or running at large in Sacramento County.

Mr. Edgerton moved to refer the bill to the Senator from Yolo.  
So ordered.

On motion of Mr. Fraser, the rules were suspended, and Assembly Bill No. 414 taken up from the general file.

Assembly Bill No. 414—An Act to attach a portion of Carson Creek School District, in the County of Sacramento, to the Carson Creek School District in the County of El Dorado.

Read third time and passed.

#### GENERAL FILE.

Senate Bill No. 477—An Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall.

Mr. Nunan, by leave, withdrew the substitute for the bill offered by him yesterday.

Mr. Pierson moved to suspend the rules, to consider the bill engrossed, and place it on its third reading.

Lost.

Mr. Nunan offered the following amendment: Amend by striking out sections one and two, and insert the following: Section 1. The Board of Supervisors of the City and County of San Francisco are hereby empowered to proceed with the erection and completion of the building known as the New City Hall, in said city and county.

On adopting the amendment, the ayes and noes were demanded by the requisite number, and it was adopted, by a vote as follows:

AYES—Messrs. Beazell, Bush, Craig, Evans, Flint, Fraser, Graves, Hendricks, Hill, Hopkins, Laine, Lewis, Martin, McCarthy, McCune, McGarvey, Nunan, and Shurley—18.

NOES—Messrs. Angney, Bartlett, Eakin, Edgerton, Hilborn, Howe, Lindsey, McCoppin, O'Connor, Pierson, Roach, Rogers, Spencer, Turner, and Tuttle—15.

Mr. Bartlett moved to refer the bill to the San Francisco delegation.  
So ordered.

On motion of Mr. Edgerton, the special order set for twelve o'clock M. was discharged, and Senate Bill No. 127 ordered at the head of the general file for Tuesday next.

#### REPORT OF STANDING COMMITTEE.

Mr. Eakin, by leave, made a report as follows:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 45—An Act supplementary to an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six—ask leave to report the same back, with amendments, and recommend the passage of the bill as amended.

EAKIN, Chairman.

Mr. Lindsey, for the delegation, verbally reported Assembly Bill No. 525—An Act to prevent the trespassing of animals upon private property in the Counties of Stanislaus, Fresno, and Sutter—recommending its reference to the Committee on Agriculture.

So referred.



## INTRODUCTION OF BILL.

Mr. Hill, by leave, introduced a bill as follows: An Act to authorize the payment to B. E. Hunt, or his assigns, for services as teacher in Calistoga School District, Napa County.

Read first and second times and referred to the Committee on Education.

## REPORT OF STANDING COMMITTEE.

Mr. Evans, by leave, submitted a report as follows:

MR. PRESIDENT: Your Committee on Mileage would respectfully report that the following named Senators, members of the State Prison Committee, are each entitled to the sums set opposite their respective names, for mileage in traveling to and from San Quentin and Folsom, on committee duty:

Senator Shirley (two trips)	\$84 60
Senator Tuttle	45 60
Senator McGarvey	45 60
Senator Gibbons (two trips)	84 60
Senator Angney (two trips)	84 60
Senator Martin	45 60
Senator Craig	45 60
Senator Numan	45 60
Senator Turner	45 60

And recommended the adoption of the following resolutions:

*Resolved*, That the sum of forty-five dollars and sixty cents be and is hereby allowed to Senators Tuttle, McGarvey, Craig, Martin, Numan, and Turner; and the sum of eighty-four dollars and sixty cents be and is hereby allowed to Senators Shirley, Gibbons, and Angney for double trips, and that the Controller be ordered to draw his warrant for said sums, respectively, payable out of the appropriation for the contingent expenses of the Senate.

*Resolved*, That the sum of eighty-four dollars and sixty cents be and is hereby allowed to Charles L. Perkins, for mileage, in traveling to and from San Quentin and Folsom while acting as Clerk for Committee on State Prison, and that the Controller be ordered to draw his warrant for the same, payable out of the appropriation for the contingent expenses of the Senate.

GEO. S. EVANS,  
THOS. FRASER,  
For Committee.

Mr. Turner moved to strike his name out of the resolution, as he was added to the committee since it was originally appointed, and he did not consider himself entitled to the amount.

The resolution was adopted, as reported.

Mr. Pierson, by leave, submitted a report as follows:

MR. PRESIDENT: Your Committee on Standing Rules, to whom was referred the accompanying resolution, have had the same under consideration, and respectfully report the following, as a substitute, and recommend its adoption as a standing rule:

No bills shall be introduced into the Senate after Monday, the twentieth day of March, eighteen hundred and seventy-six, unless by consent of two-thirds of the entire Senate.

PIERSON, Chairman.

Rules suspended and the rule adopted.

## REPORTS OF SPECIAL COMMITTEES.

Mr. McGarvey, by leave, submitted a report as follows:

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 335—An Act to provide for the purchase and erection of certain bridges, and for the building and improvement of certain roads in the County of Mendocino—has had the same under consideration, and recommend the passage of the bill.

McGARVEY, for Delegation.

Rules suspended, and the bill above reported taken up for consideration.

Read third time and passed.

Mr. Gibbons, for the delegation, verbally reported Senate Bill No. 517—An Act to prevent the catching of fish by seines, nets, or weirs, in San Antonio Creek, in the County of Alameda—recommending its passage.

Rules suspended, and the bill taken up for consideration.

Considered engrossed, read third time, and passed.

On motion of Mr. Evans, the consideration of Senate Bill No. 294 was postponed until after recess.

Mr. McCune verbally reported Assembly Bill No. 453, with amendments, recommending its passage as amended.

Rules suspended, amendments concurred in, read third time, and passed.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,

SACRAMENTO, March 9th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March eighth, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 596—An Act to repeal an Act entitled an Act regulating the fees of witnesses in criminal cases in the Counties of Stanislaus and Merced, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, on same date, passed Senate Bill No. 242—An Act to amend section one hundred and seventeen of the Code of Civil Procedure.

Also, Senate Bill No. 429—An Act to amend and renumber section one thousand five hundred and fifty-two, added to the Political Code by an Act approved March thirteenth, eighteen hundred and seventy-four, entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 596, above reported, read first and second times and referred to the Committee on State and County Revenue.

Mr. Gibbons moved that the Enrolling Committee be requested to investigate the advisability of regulating the kind and size of paper used for enrolling bills.

The matter was referred to the Enrolling Committee.

#### RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

#### RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.  
President pro tem. in the chair.

Roll called, and a quorum present.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Pierson—An Act to repeal an Act entitled an Act in rela-

tion to the assessment and collection of taxes upon personal property in the City and County of San Francisco, approved March eighteenth, eighteen hundred and seventy-four.

Read first and second times and referred to the San Francisco delegation.

Also, an Act supplemental to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and Acts amendatory thereof and supplementary thereto.

Read first and second times and referred to the Judiciary Committee.

By Mr. Shirley—An Act to incorporate the Town of Martinez, and to provide for the government thereof.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hill—An Act to authorize the Board of Supervisors of Napa County to construct a new road to improve the Howell Mountain grade.

Read first and second times and referred to the Committee on Roads and Highways.

Mr. McCoppin, by leave, submitted a report setting forth the amounts due the members of the special committee appointed to investigate tide land matters in San Francisco.

Referred to the Committee on Mileage.

#### GENERAL FILE.

Senate Bill No. 294—An Act to add a new section to the Political Code.

At two o'clock p. m., by general consent, the special order set for this hour was temporarily postponed.

Senate Bill No. 294 continued.

Amendment adopted in Committee of the Whole concurred in.

Mr. Bartlett offered the following amendment: Amend section one by inserting after the word "in," in the fourth line of printed bill, the words "the City and County of San Francisco."

On the adoption of the amendment, the ayes and noes were demanded by the requisite number, and the Senate refused to adopt it, by a vote as follows:

AYES—Messrs. Bartlett, Craig, Donovan, Farley, Hendricks, Howe, McCarthy, Pierson, Roach, and Rogers—10.

NOES—Messrs. Angney, Beazell, Bush, Eakin, Edgerton, Evans, Flint, Fraser, Gibbons, Hilborn, Hopkins, Laine, Lewis, Lindsey, Martin, McCune, McGarvey, O'Connor, Satterwhite, Shirley, Spencer, Turner, and Tuttle—23.

[Mr. Lewis in the chair.]

Mr. Pierson moved to indefinitely postpone the bill, on which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Craig, Donovan, Farley, Flint, Hendricks, Howe, Lewis, McCarthy, McGarvey, Pierson, Roach, Rogers, and Satterwhite—14.

NOES—Messrs. Angney, Beazell, Bush, Eakin, Edgerton, Evans, Fraser, Gibbons, Hilborn, Hill, Hopkins, Laine, Lindsey, Martin, McCune, O'Connor, Shirley, Spencer, and Turner—19.

Mr. Donovan offered an amendment, as follows: After the word "music," in the second line, strike out to the word "is," in line three.

On adopting the amendment, the ayes and noes were demanded by the requisite number, and the amendment was rejected, by a vote as follows:

AYES—Messrs. Bartlett, Craig, Donovan, Farley, Flint, Haymond, Howe, Lewis, McCarthy, McGarvey, Pierson, Roach, Rogers, and Satterwhite—14.

NOES—Messrs. Angney, Beazell, Bush, Eakin, Edgerton, Evans, Fraser, Gibbons, Hilborn, Hill, Hopkins, Laine, Lindsey, Martin, McCune, O'Connor, Shirley, Spencer, and Turner—19.

At five o'clock and seven minutes P. M., Mr. Pierson moved to adjourn.

Lost.

On the engrossment of the bill, the ayes and noes were demanded by the requisite number, and it was ordered engrossed, by a vote as follows:

AYES—Messrs. Angney, Beazell, Bush, Eakin, Edgerton, Evans, Fraser, Gibbons, Graves, Hilborn, Hill, Hopkins, Laine, Lindsey, Martin, McCoppin, McCune, O'Connor, Shirley, Spencer, and Turner—21.

NOES—Messrs. Bartlett, Craig, Donovan, Farley, Flint, Hendricks, Howe, Lewis, McCarthy, McGarvey, Pierson, Roach, Rogers, and Satterwhite—14.

On motion of Mr. Laine, the special order in reference to Senate Bills Nos. 270 and 276 were discharged, and the bills ordered to the head of the general file for to-morrow.

#### REPORT OF STANDING COMMITTEE.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, March 9th, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 376—An Act requiring the County Treasurer of Sacramento County to make certain entries in writing in the Treasurer's Register of Claims (or warrants) against the county.

Also, Senate Bill No. 216—An Act to establish and define the powers and duties of the Board of Education of Grass Valley School District, in the County of Nevada, the said district including the Town of Grass Valley.

Also, Senate Bill No. 240—An Act to amend an Act entitled an Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office, approved March thirtieth, eighteen hundred and seventy-four.

Also, substitute for Senate Bill No. 343—An Act to amend an Act, approved February seventeenth, eighteen hundred and seventy-four, entitled an Act granting right of way to the Yosemite Turnpike Road Company to construct a toll road over Yosemite grant.

Also, substitute for Senate Bill No. 195—An Act to fix the terms of the County Court and Probate Court in the County of Merced.

Also, Senate Bill No. 387—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and seventy-six, and to provide for the payment of the same.

And on this ninth day of March, eighteen hundred and seventy-six, at two o'clock and forty-five minutes P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

#### REPORT OF SELECT COMMITTEE.

Mr. McCune, by leave, submitted a report as follows:

MR. PRESIDENT: The Solano delegation, to whom was referred Assembly Bill No. 396—An Act in relation to highways in the County of Solano—respectfully report the same back, with amendments, and ask its reference to the Committee on Roads and Highways.

McCUNE, for Delegation.

The bill was so referred.

#### ADJOURNMENT.

At five o'clock and fifteen minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.



## IN SENATE.

SENATE CHAMBER,

Friday, March 10th, 1876 }

Senate met pursuant to adjournment.  
 President pro tem. in the chair.  
 Roll called, and a quorum present.  
 Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. O'Connor:

MR. PRESIDENT: The Committee on Claims, to whom was referred Assembly Bill No. 102—An Act for the payment of the claim of Laura de Force Gordon against Swamp Land District Number Five:

Also, Assembly Bill No. 407—An Act to pay the claim of E. O. F. Hastings—would respectfully report the same back to the Senate, and recommend their passage.

O'CONNOR, Chairman.

Mr. Beazell, for the Committee on Swamp and Overflowed Lands, verbally reported Senate Bill No. 509, with amendments, recommending its reference to the Judiciary Committee.

So referred.

By Mr. Lewis:

SENATE CHAMBER,

SACRAMENTO, March 10th, 1876. }

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 58—An Act concerning roads in the County of Humboldt—report the same back, and recommend its passage.

Also, Senate Bill No. 426—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a new section thereto—report the same back, with a substitute, a majority recommending its passage.

Also, Senate Bill No. 476—An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three—report the same back, with amendments, and recommend its passage as amended.

Also, Senate Bill No. 466—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-ninth, eighteen hundred and seventy-two—and recommend its passage.

Also, Senate Bill No. 347—An Act to regulate the rates at which water shall be sold in the City and County of San Francisco; and

Senate Bill No. 305—An Act to amend section five hundred and forty-nine of the Civil Code of the State of California—these two bills relate to the same subject, and the committee recommend that Senate Bill No. 347 do not pass, and report back a substitute for Senate Bill No. 305, a majority recommending the adoption and passage of the substitute.

Also, Senate Bill No. 181—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over—and recommend that the Senate concur in the amendments made in the Assembly.

Also, Senate Bill No. 341—An Act to amend the Civil Code, concerning the mortgage of growing crops—and recommend its passage.

LEWIS, Chairman.

Mr. Bartlett moved that Senate Bills Nos. 347 and 305 be ordered at the head of the general file for next Wednesday, and that the substitute be printed.

So ordered.

By Mr. Bush :

MR. PRESIDENT: The Hospital Committee, to whom was referred Senate Bill No. 506—An Act to amend sections two thousand one hundred and thirty-seven and two thousand one hundred and forty of the Political Code, relating to the Insane Asylum at Stockton—report the same back, and recommend its passage.

BUSH, Chairman.

Rules suspended, and the bill above reported taken up for consideration.

Considered engrossed, read third time and passed.

By Mr. Flint:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 396—An Act in relation to highways in the County of Solano—ask leave to report the same back, and recommend its passage.

FLINT, for Committee.

Rules suspended, and the bill taken up for consideration.

Amendments concurred in.

Read third time and passed.

By Mr. Evans:

MR. PRESIDENT: Your Committee on Mileage having examined the report of the Special Committee on Tide Land Matters, referred to them to examine and report as to the mileage due the members of said committee for traveling in the discharge of their duties, now report as follows: That there is due Senators McCoppin, O'Connor, Laine, Lindsey, and Evans, forty-six dollars each. We, therefore, recommend the adoption of the following resolution:

*Resolved*, That Senators McCoppin, O'Connor, Laine, Lindsey, and Evans, be and are hereby allowed the sum of forty-six dollars each, as mileage due for traveling in the discharge of their duties as members of the Special Committee on Tide Land Matters; and that the Controller be and hereby is directed to draw his warrant in favor of the above-named Senators for the sum of forty-six dollars each, payable out of the appropriation for the contingent expenses of the Senate.

EVANS AND FRASER, for Committee.

The resolution was adopted.

By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 525—An Act to prevent the trespassing of animals upon private property in the Counties of Stanislaus, Fresno, and Sutter—have had the same under consideration, and herewith respectfully report the same back, with amendments, recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 519—An Act to repeal an Act entitled an Act to protect agriculture and to prevent the trespassing of animals in Tehama County—herewith report the same back, with a substitute, and recommend the adoption of the substitute.

HILL, Chairman.

#### REPORTS OF SELECT COMMITTEES.

By Mr. McGarvey:

MR. PRESIDENT: The committee, to whom was referred Assembly Bill No. 593, report the same back and recommend its passage.

McGARVEY, for Delegation.

Rules suspended, and the bill taken up for consideration.

Read third time and passed.

By Mr. Bush:

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 402—An Act for the better protection of the county treasury of Los Angeles County—have had the same under consideration, and report it back, with amendments, and recommend the adoption of the amendments and passage of the bill.

BUSH, for Delegation.

Rules suspended, and the bill taken up for consideration.  
 Amendments concurred in.  
 Read third time and passed.  
 Title amended.  
 By Mr. Flint:

MR. PRESIDENT: The Santa Cruz delegation, to whom was referred Assembly Bill No. 544—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight—ask leave to report the same back, and recommend its passage.

FLINT, for Delegation.

The bill was referred to the Committee on Corporations.

Mr. Craig, by leave, moved that Senate Bill No. 103, with amendments thereto, be printed.

So ordered.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
 SACRAMENTO, March 9th, 1876.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 121—An Act to incorporate the Town of Ukiah City, Mendocino County, California.

Also, Senate Bill No. 140—An Act to separate the office of County Auditor from the office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern.

Also, Senate Bill No. 266—An Act to provide for the improvement of the streets of the City of Sacramento.

WILLIAM IRWIN, Governor.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
 SACRAMENTO, March 9th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March seventh, passed Assembly Bill No. 110—An Act to require the ex-Tax Collector of the City and County of San Francisco to pay into the treasury of said city and county certain moneys retained by him.

Also, Assembly Bill No. 410—An Act supplementary to an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 476—An Act in relation to the county officers of Santa Cruz County, their fees and salaries.

Also, Assembly Bill No. 487—An Act providing for the refunding of certain bonded indebtedness of the County of Santa Clara.

Also, Assembly Bill No. 492—An Act making appropriations for certain deficiencies in the appropriation for the twenty-sixth and twenty-seventh fiscal years.

Also, Assembly Bill No. 518—An Act concerning roads and highways in the County of Placer.

Also, Assembly Bill No. 563—An Act to amend section twenty-one of an Act to provide for establishing, maintaining, and protecting public and private roads in Colusa County.

Also, Assembly Concurrent Resolution No. 39—Relative to establishing a mail route between the Counties of San Luis Obispo and Kern.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 110, above reported, read first and second times, rules suspended, and, by general consent, read third time, and passed.

Assembly Bills Nos. 410, 476, 487, and 563, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 518, above reported, read first and second times and ordered on the general file.

Assembly Concurrent Resolution No. 39, above reported, read first and second times and referred to the Committee on Federal Relations.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lewis—An Act to amend the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

By Mr. Graves (for Mr. Montgomery)—An Act ratifying and confirming the action of the Board of Supervisors of Stanislaus County in employing special counsel in certain cases.

Read first and second times and referred to the Committee on State and County Revenue, with accompanying papers.

By Mr. Hopkins—An Act to confer additional powers upon County Boards of Examination and City Boards of Education.

Read first and second times and referred to the Committee on Education.

By Mr. Nunan (by request)—An Act allowing John P. Sheldon to sue the Board of State Harbor Commissioners.

Read first and second times and referred to the Judiciary Committee.

By Mr. Roach—An Act to authorize the Board of Supervisors of the City and County of San Francisco to transfer the sum of ten thousand dollars from the General Fund to the Building Fund of said city and county.

Read first and second times and referred to the San Francisco delegation.

By Mr. Hilborn—An Act amending the Political Code by adding a new section, to be known as section two thousand nine hundred and twenty-one.

Read first and second times and referred to the Committee on State and County Revenue.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Shirley moved a suspension of the rules, to take from the general file and refer Assembly Bill No. 73 and Senate Bill No. 514 to the Committee on Irrigation and Water Rights.

Amended, on motion of Mr. Edgerton, to include Senate Bill No. 9, and that the three bills be referred to the Judiciary Committee, with instructions to report them on Wednesday next.

Adopted as amended.

[Mr. Rogers in the chair.]

#### GENERAL FILE.

Senate Bill No. 270—An Act to add a new section to the Penal Code, to be designated as section two hundred and fifty-eight.

On motion of Mr. Roach, the bill was ordered at the head of the general file for Monday next.

Mr. Pierson moved that Senate Bill No. 276 be ordered second on the general file for Monday next.

So ordered.



## REPORT.

Mr. Howe submitted the following report:

SENATE CHAMBER.  
SACRAMENTO, — —, 1876. }

Mr. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 12—An Act to amend certain sections of the Civil Code, and to add certain new sections to said Code, all relating to insurance.

Also, Senate Bill No. 459—An Act to provide for the collection of road poll-taxes in the County of Calaveras.

Also, Senate Bill No. 465—An Act concerning roads and highways in the County of San Joaquin.

Also, Senate Bill No. 350—An Act to amend an Act entitled an Act relating to streets and roads in the City and County of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 374—An Act to provide for the payment of certain outstanding road warrants in the County of Sacramento.

Also, Senate Bill No. 151—An Act to amend the Code of Civil Procedure.

Also, Senate Bill No. 502—An Act to regulate the laying of gas and water-pipes in the City of Oakland.

Also, Senate Bill No. 370—An Act to amend section one thousand two hundred and forty-one of the Civil Code.

HOWE, for Committee.

## GENERAL FILE RESUMED.

Assembly Bill No. 276—An Act to provide for the payment of the claim of John Breuner.

Amended by striking out "General Fund of the State," and inserting "appropriation for the contingent expenses of the Assembly."

Read third time and passed.

Assembly Bill No. 112—An Act to provide for the purchase of certain supplies for State officers and members of the Legislature.

Read third time and passed.

Assembly Concurrent Resolution No. 37—Relative to the payment of Fabian Kunhardt for the translation of the inaugural address of Governor Irwin.

Read third time and adopted.

Senate Bill No. 361—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

On motion of Mr. Turner, Senate Bill No. 390 was taken up, to be considered in connection with Senate Bill No. 361.

Senate Bill No. 390—An Act to repeal section four hundred and fifteen of the Political Code.

## RECESS.

At twelve o'clock and thirty minutes p. m. the Senate took a recess.

## RE-ASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate re-assembled.

President pro tem. in the chair.

Roll called and a quorum present.

## REPORTS OF STANDING COMMITTEES.

Mr. Evans submitted a report as follows:

MR. PRESIDENT: Your Committee on Mileage, to whom was referred Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—report the same back to the Senate, and recommend its passage.

EVANS AND FRASER for Committee.

Mr. Edgerton, for the Judiciary Committee, verbally reported Senate Bill No. 306—An Act for the relief of R. M. Wilson—with a substitute, recommending the passage of the substitute.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Edgerton—An Act to regulate the fees and compensation of the Sheriff of the County of Sacramento.

Read first and second times.

Rules suspended, considered engrossed, and, by general consent, read third time, and passed.

By Mr. Shirley—An Act to amend sections nine hundred and sixteen, nine hundred and thirty-three, nine hundred and thirty-four, one thousand four hundred and twenty-six, and one thousand four hundred and twenty-seven of the Penal Code.

Read first and second times and referred to the Judiciary Committee.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER. )  
SACRAMENTO, March 10th, 1876. j

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed under suspension of the rules, and ordered transmitted to Senate without engrossment, Assembly Bill No. 566—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the city and county, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six.

Also, Assembly Bill No. 615—An Act to authorize the appropriation of five thousand dollars from the General Fund of the City and County of San Francisco for the maintenance and support of the fire-alarm and police telegraph of said city and county.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER. )  
SACRAMENTO, March 10th, 1876. j

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March ninth, passed Assembly Bill No. 374—An Act to reorganize and simplify the school system and public education of the State of California.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 374, above reported, read first and second times and referred to the Committee on Education.

Assembly Bills Nos. 615 and 566, above reported, each read first and second times and referred to the San Francisco delegation.

#### REPORT OF STANDING COMMITTEE.

Mr. Flint submitted a report as follows:

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 372—An Act to amend section four thousand and seventy-one of the Political Code.

Also, Senate Bill No. 427—An Act to amend section six hundred and fifty-three of the Code of Civil Procedure.

Also, Senate Bill No. 125—An Act to add three sections to the Civil Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 428—An Act to add another new section to the Penal Code.

Also, Senate Bill No. 285—An Act to amend section two hundred and ninety of the Civil Code, concerning corporations.

Also, Senate Bill No. 92—An Act to amend section three hundred and thirty of the Penal Code.

FLINT, for Committee.

On motion of Mr. Edgerton, the special order set for one o'clock and thirty minutes p. m. was postponed until three o'clock p. m. to-day.

Mr. McGarvey moved a suspension of the rules, to take up out of its order Assembly Bill No. 460, from the general file.

So ordered.

Assembly Bill No. 460—An Act to amend an Act entitled an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.

Read third time and passed.

Mr. Laine moved a suspension of the rules, to take up out of its order Senate Bill No. 358, from the general file.

So ordered.

Senate Bill No. 358—An Act to amend section six hundred and ninety of the Code of Civil Procedure.

On motion of Mr. Edgerton, the bill was ordered at the head of the general file for Wednesday next.

#### GENERAL FILE.

Senate Bill No. 390 continued.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 361 continued.

On motion of Mr. Turner, the bill was laid on the table.

Senate Bill No. 368—An Act relating to bank deposits.

Mr. Bartlett offered an amendment.

On motion of Mr. Laine, the bill was referred to a special committee of two, consisting of Senators Turner and McGarvey, with instructions to report an amended bill.

Senate Bill No. 440—An Act to appropriate the sum of seven thousand dollars for the improvement of the roads and sidewalks around the Stockton Insane Asylum.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Title amended.

Minority report of Joint Committee on Translation.

Ordered number ten on the general file for Monday next.

Assembly Bill No. 231 was ordered at the head of the general file for to-morrow.

Senate Bill No. 395—An Act to authorize the formation of corporations sole.

Referred to the Judiciary Committee, on motion of Mr. Hilborn.

Senate Bill No. 432—An Act to enable the Nevada and Mountain Lake Ice Company to change its principal place of business from Nevada City, Nevada County, State of California, to the City and County of San Francisco.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 439—An Act to appropriate the sum of eight thousand dollars to make certain repairs on the State Normal School, and to provide furniture therefor.

Substitute adopted.

Ordered engrossed.

Special order for three o'clock P. M. Senate Bill No. 373—An Act to establish a State force for the detection and arrest of criminals.

Mr. McGarvey moved to postpone the special order until Thursday, the sixteenth instant, at two o'clock P. M.

Lost.

Amended.

Mr. McGarvey moved to indefinitely postpone the bill: on which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—MESSRS. Bartlett, Satterwhite, and Tuttle—3.

NOES—MESSRS. Angney, Bush, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Hilborn, Hill, Hopkins, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, Nunan, O'Connor, Pierson, Roach, Shirley, Spencer, and Turner—28.

The bill was further amended.

Rules suspended, considered engrossed, read third time, and passed.

#### REPORTS OF SPECIAL COMMITTEES.

Mr. Howe submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, March 10th, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 405—An Act to add another section to the Civil Code.

Also, Senate Bill No. 391—An Act to amend the Political Code and to repeal a certain Act relating to the revenue.

Senate Bill No. 413—An Act granting the Omnibus Railroad Company certain rights therein named.

HOWE, for Committee.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, March 10th, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 352—An Act to incorporate the Town of Haywards.

Also, Senate Bill No. 248—An Act to provide for the keeping of the Capitol and Capitol grounds.

And on this tenth day of March, eighteen hundred and seventy-six, at three o'clock P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

Mr. Edgerton moved that the Committee on Corporations be granted until Monday morning next in which to submit their report on Assembly Bill No. 182, and the other bills before said committee, in reference to railroad fares and freights.

So ordered.



Mr. Nunan submitted a report as follows:

MR. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Senate Bill No. 533—An Act ratifying and confirming the action of the Board of Supervisors of Stanislaus County in employing special counsel in certain cases—having carefully considered the same, have drawn a substitute therefor, report the same back, and recommend the passage of the substitute.

NUNAN, Chairman.

Rules suspended, and the bill taken up for consideration.

Substitute adopted in Committee of the Whole concurred in.

Rules further suspended, considered engrossed, read third time, and passed, and ordered to the Assembly without engrossment.

Mr. Angney gave notice of a motion to reconsider the vote by which Senate Bill No. 373 passed.

Mr. Farley submitted a report as follows:

MR. PRESIDENT: The Amador delegation herewith report Assembly Bill No. 455—An Act to regulate the salaries and fix the compensation of the county officers of Amador County—with amendments, and recommend its passage as amended.

FARLEY, Delegation.

Rules suspended, and the bill taken up for consideration.

Amendments adopted in Committee of the Whole concurred in.

Rules further suspended, considered engrossed, read third time, and passed.

#### ADJOURNMENT.

At four o'clock and twenty-five minutes p. m., on motion of Mr. Pierson, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER, }  
Saturday, March 11th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

#### PETITIONS.

Mr. Hill presented a remonstrance against the passage of Assembly Bill No. — —An Act to create a Board of Water Trustees for the City of Napa, and to provide means, etc.

Received and referred to the Committee on Corporations, with the bill.

Mr. Hilborn presented a petition favoring the passage of Senate Bill No. 230.

Received and referred to the Judiciary Committee.

## REPORTS.

Reports were submitted as follows :

By Mr. Lewis :

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 25—An Act to define the rights of passengers on railroads—and herewith report the same back, without recommendation.

Also, Senate Bill No. 321—An Act to regulate fares and the sale of tickets by street railroad companies in the City and County of San Francisco—and report the same back, without recommendation.

Also, Senate Bill No. 495—An Act relating to acknowledgments of deeds and other instruments in writing affecting real estate, taken before consular agents of the United States prior to July first, eighteen hundred and seventy-four—with an amendment, and report the same back, with a recommendation that the bill pass as amended.

Also, Senate Bill No. 463—An Act to provide for the payment of John F. Swift for his services as special counsel for the State in prosecuting certain suits—with an amendment, and report the same back, with a recommendation that the bill pass as amended.

LEWIS, Chairman.

By Mr. Angney :

MR. PRESIDENT: The Santa Clara delegation have had under consideration Assembly Bill No. 487—An Act providing for the refunding of certain bonded indebtedness of the County of Santa Clara—and return the same, with a recommendation that it pass.

ANGNEY, for Delegation.

The bill was referred to the Committee on Finance.

## GOVERNOR'S MESSAGE.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 10th, 1876. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 94—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the disposal of lands purchased by the State at tax sales.

Also, Senate Bill No. 447—An Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city.

WILLIAM IRWIN, Governor.

## ASSEMBLY MESSAGE.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 10th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 101—An Act to enable John Hongland and others to sue the City of Sacramento.

O'NEIL, Assistant Clerk.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Lindsey—An Act to amend an Act entitled an Act to separate the office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six.

Read first and second times.

Rules suspended, and the bill taken up for consideration.

Considered engrossed, and, by general consent, read third time, and passed.

By Mr. Tuttle—An Act to authorize the erection and maintenance of a draw-bridge across Petaluma Creek, in the City of Petaluma.

Read first and second times and referred to the Sonoma delegation, with the accompanying petition.

By Mr. Howe—An Act to amend section two thousand five hundred and twenty-four of the Political Code of the State of California.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Roach—An Act to amend sections five hundred and seventy-eight, five hundred and eighty, and five hundred and eighty-one of the Political Code.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Donovan—An Act to amend an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two.

Read first and second times and referred to the Judiciary Committee.

By Mr. Nunan—An Act to amend an Act entitled an Act repealing Article IV. of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV., approved the first day of April, eighteen hundred and seventy-two.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. Lewis—An Act to confer certain powers upon the Directors of the Deaf, Dumb, and Blind Asylum.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Tuttle, in accordance with notice previously given, moved to reconsider the vote by which Senate Bill No. 373—An Act to establish a State force for the detection and arrest of criminals—passed on yesterday.

On which the ayes and noes were demanded by Messrs. Evans, Tuttle, and Hilborn, and the Senate refused to reconsider the vote, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Hill, Howe, Lindsey, Pierson, Roach, Satterwhite, and Tuttle—11.

NOES—Messrs. Craig, Eakin, Edgerton, Evans, Flint, Fraser, Hilborn, Hopkins, Lewis, Martin, McCune, Nunan, O'Connor, Rogers, Shirley, Spencer, and Turner—17.

Mr. Roach, by leave, submitted a report as follows:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 329—An Act to amend an Act to regulate the practice of pharmacy in the City and County of San Francisco—have considered the same, and recommend its passage.

Also, have considered Senate Bill No. 402—An Act providing for the opening, filling, grading, and macadamizing of Fifteenth Avenue extension, in the City and County of San Francisco—and recommended its passage as amended.

Also, have considered Senate Bill No. 234—An Act to provide for the recovery of double taxation on outside lands in the City and County of San Francisco—and recommend its passage.

Also, have considered Senate Bill No. 438—An Act to increase the value of land in the City and County of San Francisco by bringing it into access with a supply of fresh water—and recommend that it do not pass.

ROACH, Chairman.

#### GENERAL FILE.

Assembly Bill No. 231—An Act to protect agriculture and to prevent the trespassing of animals on private property in the County of San Bernardino, and in the County of San Diego.

Amendments concurred in.

Read third time and passed.

Title amended.

Senate Bill No. 181—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over.

Assembly amendments concurred in.

Senate Bill No. 12—An Act to amend certain sections of the Civil Code, and to add certain new sections to said Code, all relating to insurance; and

Senate Bill No. 151—An Act to amend the Code of Civil Procedure.

Each read third time and passed.

Senate Bill No. 92 passed on file.

Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to revenue.

Read third time and passed.

Minority report of Joint Committee on Translation.

Laid on the table.

Senate Bill No. 384—An Act to provide for the collection of delinquent taxes for the twenty-fourth, twenty-fifth, and twenty-sixth fiscal years, in the City and County of San Francisco

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 385—An Act to provide for the collection of delinquent taxes in the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 79—An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California.

Reported from Committee of the Whole with amendments.

Mr. Pierson moved to refer the bill to the Judiciary Committee with instructions to draft a substitute, and report on Monday morning next.

Lost.

Amendments concurred in.

Mr. Nunan moved to amend by inserting "and cultivated," in section three, on which the ayes and noes were demanded by Messrs. Nunan, Howe, and Eakin, and the Senate refused, by a vote as follows:

AYES—Messrs. Donovan, Eakin, Fraser, Hopkins, Howe, Martin, and Nunan—7.

NOES—Messrs. Angney, Bartlett, Bush, Edgerton, Evans, Flint, Gibbons, Hilborn, Hill, Lindsey, McCune, O'Connor, Pierson, Rogers, Shirley, Spencer, Turner, and Tuttle—18.

Read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Nunan, Eakin, and Rogers, and it passed, by a vote as follows:



AYES—Messrs. Angney, Bartlett, Bush, Edgerton, Evans, Flint, Fraser, Gibbons, Hilborn, Hill, Lindsey, Martin, McCune, Nunan, O'Connor, Rogers, Shirley, Spencer, Turner, and Tuttle—20.

NOES—Messrs. Donovan, Eakin, Hopkins, Howe, and Pierson—5.

Mr. Nunan gave notice that on Monday next he would move to reconsider the vote by which the bill passed.

Senate Bill No. 455—An Act to prevent hogs and goats running at large on certain lands in this State.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 249—An Act to amend an Act entitled an Act to restrict sheep from being herded or running at large in certain portions of Lake County.

Read third time and passed.

Assembly Bill No. 278—An Act to amend an Act entitled an Act to protect agriculture in the County of Butte, approved March tenth, eighteen hundred and seventy-four.

Amendments concurred in.

Read third time and passed.

Assembly Bill No. 496—An Act to provide for the issuance of bonds of the Town of San Luis Obispo.

Amendments concurred in.

Read third time and passed.

Senate Bill No. 473—An Act to widen English street, in the City of Petaluma, and to take private property therefor.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 452—An Act to fix the terms of the County Court of San Benito County.

Read third time and passed.

Mr. Edgerton moved to suspend the rules, to take up for consideration Senate Bill No. 495, reported from the Judiciary Committee to-day.

So ordered.

Senate Bill No. 495—An Act relating to acknowledgments of deeds and other instruments in writing affecting real estate, taken before consular agents of the United States prior to July first, eighteen hundred and seventy-four.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Nunan, by leave, introduced a bill as follows: An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county, approved March twenty-eighth, eighteen hundred and sixty-eight.

Read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 2—An Act to authorize Abram S. Sally to construct and maintain a ditch to convey water for irrigating, domestic, and other purposes, in San Benito County.

Indefinitely postponed.

Assembly Bill No. 377—An Act to authorize the School Trustees of Lower Lake School District, in Lake County, to raise funds for school purposes.

Substitute adopted.

Read third time and passed.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Lewis, the rule requiring a recess at this hour was postponed until the further order of the Senate.

#### REPORT.

Mr. Flint submitted a report as follows :

SENATE CHAMBER,  
SACRAMENTO, March 11th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 289—An Act to create the Twenty-second Judicial District.

Also, Senate Bill No. 278—An Act to amend certain sections of the Political Code, concerning the salaries of judicial officers and of officers connected with the Supreme Court.

Also, Senate Bill No. 388—An Act to provide for the redemption of the outstanding railroad bonds of Butte County.

Also, Senate Bill No. 445—An Act to confer additional powers on the Treasurer of the City and County of San Francisco.

Also, Senate Bill No. 334—An Act to repeal Chapter III., Title VII., of the Political Code, relating to births, marriages, and deaths.

Also, Senate Bill 294—An Act to add a section to the Political Code.

FLINT, for Committee.

#### ASSEMBLY MESSAGES.

The following messages were taken up, on motion of Mr. Lewis :

ASSEMBLY CHAMBER,  
SACRAMENTO, March 11th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March tenth, passed, under suspension of rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 599—An Act to add another section to the Penal Code, to be known as section four hundred and two.

Also, Assembly Bill No. 600—An Act to add another section to the Penal Code, to be known as section three hundred and eighteen.

Also, on March seventh, passed Assembly Bill No. 468—An Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura; also, to change the name of Cañada street, in said town, to that of Ventura Avenue.

Also, substitute for Assembly Bill No. 82—An Act amendatory of and supplementary to an Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou, approved March twenty-eighth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 446—An Act to repeal all special laws in relation to roads and highways in the County of Shasta.

Also, Assembly Bill No. 425—An Act concerning public roads in Lassen County.

Also, Assembly Bill No. 450—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of San Diego.

Also, Assembly Bill No. 486—An Act to amend an Act entitled an Act concerning roads and highways in the City of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 461—An Act to provide for the payment of official reporters in certain cases, in Humboldt County.

Also, Assembly Bill No. 479—An Act to repeal section two of an Act entitled an Act fixing the compensation of certain officers in the County of Humboldt, approved February seventeenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 480—An Act to make applicable certain provisions of the Political Code to the County of Humboldt.

Also, Assembly Bill No. 465—An Act for the relief of N. A. Covarrubias, Sheriff of Santa Barbara County.

Also, Assembly Bill No. 466—An Act to authorize the Board of Trustees of Lompoc School District, in Santa Barbara County, to issue bonds to build public school-houses.

Also, Assembly Bill No. 467—An Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district.

Also, March seventh, passed Assembly Bill No. 286—An Act to protect salmon trout and brook trout in the streams of Sonoma County.

Also, Assembly Bill No. 536—An Act to legalize and confirm the apportionment and levy of taxes in the City of San Diego.

Also, Assembly Bill No. 458—An Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 423—An Act to amend section four thousand three hundred and seventy-three of the Political Code, concerning vacancies in city offices.

Also, that the Assembly concurred in Senate amendments to Assembly Bills Nos. 287, 332, 400, and 453.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER.

SACRAMENTO, March 11th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of rules, and ordered transmitted to the Senate immediately, Assembly Concurrent Resolution No. 32—Relative to instructing our Senators and Representatives to take measures to secure the release of one Edward O'Meara, an American citizen, from unjust imprisonment.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER.

SACRAMENTO, March 11th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, substitute for Assembly Bill No. 259—An Act to fix the number of permanent employes of the State Capitol and Capitol grounds, their duties and compensation.

Also, Assembly Bill No. 633—An Act to define the boundaries and to provide for the government of Levee District Number Two, of Sutter County.

Also, passed Assembly Bill No. 492—An Act making appropriations for certain deficiencies in the appropriation for the twenty-sixth and twenty-seventh fiscal years.

Also, Assembly Bill No. 380—An Act for the appointment of an Inspector of Stationary Steam Boilers and Steam Tanks, for the better security of life and property in the City and County of San Francisco.

Also, Senate Bill No. 353.—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Concurrent Resolution No. 32, above reported, read first and second times, rules suspended, and, by general consent, read third time and passed.

Assembly Bill No. 259, above reported, read first and second times and referred to the Committee on Retrenchment and Reform.

Assembly Bill No. 633, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 492, above reported, read first and second times and referred to the Committee on Finance.

Assembly Bills Nos. 599, 600, and 423, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 450, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 465, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bills Nos. 380, 468, 82, 446, 425, 486, 461, 479, 480, 466, 467, 286, 536, and 458, above reported, each read first and second times and referred to the delegations named in the bills.

#### REPORT OF STANDING COMMITTEE.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, March 11th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 316—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and Acts amendatory thereto.

Also, Senate Bill No. 429—An Act to amend and renumber section one thousand five hundred and fifty-two, added to the Political Code by an Act approved March thirteenth, eighteen hundred and seventy-four, entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California.

Also, Senate Bill No. 242—An Act to amend section one hundred and seventeen of the Code of Civil Procedure.

Also, Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento.

And, on this eleventh day of March, eighteen hundred and seventy-six, at twelve o'clock and forty minutes p. m., presented the same to his Excellency the Governor for his approval.

McARTHUR, Chairman.

#### ADJOURNMENT.

At twelve o'clock and fifty-three minutes p. m., on motion of Mr. Lewis, the Senate adjourned, until Monday, the thirteenth instant, at twelve o'clock m.

#### IN SENATE.

SENATE CHAMBER, )  
Monday, March 13th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of Saturday last read and approved.

On motion of Mr. Evans, the rule requiring the general file to be taken up as a special order at this hour was suspended, to enable the Senate to proceed with the regular order of business.

#### PETITIONS.

Mr. Tuttle presented a petition in reference to donations from the State to the State and district fairs.

Received and referred to the Committee on Agriculture.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Pierson:

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 290—An Act to amend sections one hundred and thirty-one and one hundred and thirty-two of the Political Code, relating to judicial districts—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 291—An Act to amend section sixty-four of the Code of Civil Procedure—and recommend its passage.

Also, Senate Bill No. 332—An Act to amend the Code of Civil Procedure—and report the same back, with an amendment, and recommend the passage of the bill as amended.

Also, Senate Bill No. 482—An Act to amend section one thousand six hundred and twenty-four of the Civil Code—and recommend its passage.

Also, Senate Bill No. 479—An Act prohibiting the sale of intoxicating liquors within two miles of College City, Colusa County, California—and recommend that the bill do not pass.

Also, Senate Bill No. 475—An Act to amend Chapter IV, of Title X., Part II., of the Code of Civil Procedure of the State of California, by adding a section thereto—and recommend its passage.

Also, Assembly Bill No. 39—An Act to exempt certain persons from the payment of poll-tax—and a majority of the committee recommend its passage.

Also, Senate Bill No. 414—An Act to repeal section six hundred and thirty-five of the Code of Civil Procedure—and recommend its passage.



Also, Assembly Bill No. 341—An Act to grant land for the right of way to the Arcata Transportation Company—and recommend that it do not pass.

Also, Assembly Bill No. 134—An Act to repeal section three thousand six hundred and forty-four, and to amend section three thousand six hundred and forty-six of the Political Code—and recommend that it do not pass.

Also, Assembly Bill No. 349—An Act to amend section one thousand four hundred and fifteen of the Code of Civil Procedure, relative to estates of deceased persons—and recommend its passage.

Also, Senate Bill No. 493—An Act to add an additional section to the Civil Code, concerning corporations, and numbered section three hundred—and recommend that it do not pass, for the reason that another bill has already passed the Senate on the same subject.

Also, Senate Bill No. 497—An Act to amend section one thousand four hundred and sixty-five of the Code of Civil Procedure of this State, relating to homesteads—and recommend its passage.

Also, Senate Bill No. 500—An Act in relation to the duties of the County Recorder in and for the County of Napa—and recommend that it do not pass.

Also, Assembly Bill No. 504—An Act to amend section one thousand seven hundred and seventy-one of the Political Code—and recommend that it pass.

Also, Senate Bill No. 510—An Act to add an additional section to the Code of Civil Procedure, to be designated as section one thousand nine hundred and fifty-two—and recommend its passage.

Also, Senate Bill No. 511—An Act to amend the Code of Civil Procedure, concerning practice in Justices' Courts—and recommend its passage.

Also, Senate Bill No. 513—An Act to amend section one thousand seven hundred and fifty of the Code of Civil Procedure—and recommend its passage.

Also, Assembly Bill No. 168—An Act to amend section seven hundred and ninety-one of the Political Code, in reference to Notaries—and a majority of the committee recommend its passage.

LEWIS, Chairman.

#### REPORTS OF SELECT COMMITTEES.

Mr. Satterwhite, for the delegation, verbally reported Assembly Bill No. 536—An Act to legalize and confirm the appointment and levy of taxes in the City of San Diego.

Rules suspended, and the bill taken up for consideration.

Amended.

Read third time and passed.

By Mr. Angney:

MR. PRESIDENT: The Committee on Retrenchment have had under consideration the following bills:

Assembly Bill No. 8—An Act to repeal so much of the Political Code as creates a State Board of Equalization, and for other purposes—and have amended the same, and recommend the passage of the same as amended.

Senate Bill No. 526—An Act to amend sections four hundred and thirty-six, six hundred and sixty, and six hundred and sixty-one of the Political Code—and return the same, and recommend its passage.

Senate Bill No. 22—An Act to amend the Political Code, relating to salaries—and report the same back, and recommend its indefinite postponement.

Senate Bill No 265—An Act to amend section four thousand one hundred and nine of the Political Code, and to reduce salaries and fees in office—and have prepared a substitute for the same, and recommend the adoption of the substitute.

ANGNEY, for Committee.

MR. PRESIDENT: The Santa Clara delegation have considered Assembly Bill No. 486—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four—and return the same, recommending its passage.

ANGNEY, for Delegation.

The bill above reported was referred to the Committee on Roads and Highways.

By Mr. McGarvey:

MR. PRESIDENT: The Humboldt delegation, to whom was referred Assembly Bill No. 410—An Act entitled an Act supplementary to an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four—has had the same under consideration, and now report the same back, with a recommendation that it do pass.

Also, Assembly Bill No. 461—An Act to provide for the payment of official reporters in certain cases, in Humboldt County—and report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 479—An Act to repeal section two of an Act entitled an Act fixing the compensation of certain officers in the County of Humboldt, approved February seventeenth, eighteen hundred and seventy-four—and report the same back, with a recommendation that it do not pass.

Also, Assembly Bill No. 480—An Act to make applicable certain provisions of the Political Code to the County of Humboldt—and report the same back, with a recommendation that it do not pass.

McGARVEY, for Delegation.

On motion of Mr. McGarvey, the rules were suspended and Assembly Bill No. 410, above reported, taken up for consideration.

Read third time and passed.

Mr. Farley, Chairman of the Committee on Corporations, submitted a report from said committee in reference to certain bills in relation to railroad fares and freights, closing as follows:

In consideration of the foregoing, the committee respectfully recommend as follows:

*First*—That Senate Bill No. 332, introduced by Senator Lindsey, and Assembly Bill No. 182, known as the "Archer bill," do not pass.

*Second*—That Senate Bill No. 134, designated in the report as the O'Connor bill, be amended in accordance with the recommendation of the committee herewith submitted, and passed as amended.

*Third*—That Senate Bill No. 319 do not pass, for the reason that its main features are incorporated in the O'Connor bill, as amended by the committee.

All of which is respectfully submitted.

J. T. FARLEY, Chairman.  
W. J. GRAVES,  
EDWARD GIBBONS,  
GEO. S. EVANS,  
PAUL SHIRLEY,  
J. W. SATTERWHITE,  
TIMOTHY MCCARTHY.

On motion of Mr. Farley, the report, with the tabulated statement accompanying the same, was ordered printed.

On motion of Mr. O'Connor, Senate Bill No. 134, above reported, was ordered printed as amended.

By Mr. Spencer:

MR. PRESIDENT: The Yuba delegation, to whom was referred Senate Bill No. 491, has had the same under consideration, and begs leave to report it back, with a substitute, and recommend the passage of the substitute.

SPENCER, for Delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gibbons—An Act to provide for the opening of streets in the City of Oakland.

Read first and second times and referred to the Committee on Corporations.

By Mr. Bush—An Act to regulate the practice of medicine in the State of California.

Read first and second times and referred to the Committee on Hospitals.

By Mr. Shirley—An Act to amend section three thousand seven hundred and ninety-three of the Political Code.

Read first and second times and referred to the Committee on State and County Revenue.

## MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Pierson offered a resolution as follows:

*Resolved*, That a committee of three be appointed by the Chair to examine and report as to what progress has been made in printing the laws of this session, as required by Senate Concurrent Resolution No. 33.

Adopted.

Mr. Turner moved that Senator Haymond be added to the special committee appointed to examine Senate Bill No. 368.

So ordered.

On motion of Mr. Spencer, the rules were suspended, and Assembly Bill No. 444 taken from the general file for consideration.

Assembly Bill No. 444—An Act to legalize the assessment on lands in District Number Five, in Sutter County, for the year eighteen hundred and seventy-five.

Substitute adopted.

Amended.

Read third time and passed.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Evans, the rule requiring a recess at this hour was suspended until further order of the Senate, for to-day.

On motion of Mr. Edgerton, the rules were suspended, and Senate Bill No. 476 taken up from the general file for consideration.

Senate Bill No. 476—An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

## RECESS.

At twelve o'clock and forty minutes P. M. the Senate took a recess.

## RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

Bills were introduced, by leave, as follows:

By Mr. Edgerton—An Act to amend section three thousand eight hundred and twenty of the Political Code.

Also, an Act to amend section three thousand eight hundred and twenty of the Political Code.

Each of the above bills read first and second times and referred to the Committee on Judiciary.

The Chair appointed as the special committee to report what progress had been made in printing the laws of this session, Senators Pierson, Haymond, and Lewis.

Mr. Roach, by leave, submitted the following report:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 302—An Act to maintain a House of Correction, and to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—have considered the same, and prepared a substitute therefor, and recommend the passage of the substitute.

Also, have considered Senate Bill No. 363—An Act to provide homes for homeless children, in the City and County of San Francisco—and recommend the passage of the same as amended.

Also, have considered Senate Bill No. 490—An Act granting further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—and recommend the passage of the same as amended.

ROACH, Chairman.

#### GENERAL FILE.

Senate Bill No. 270—An Act to add a new section to the Penal Code, to be designated as section two hundred and fifty-eight.

Mr. Roach offered an amendment as follows:

At end of section two add: "But nothing in this section shall apply to any newspaper, the name of whose proprietors are printed at the head of its editorial columns.

Lost.

Rules suspended, considered engrossed, read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Roach, Rogers, and Edgerton, and it passed, by a vote as follows:

AYES—Messrs. Beazell, Bush, Craig, Edgerton, Evans, Flint, Gibbons, Haymond, Hendricks, Hilborn, Laine, Lewis, Lindsey, McCarthy, McCune, McGarvey, Pierson, Rogers, Satterwhite, Shirley, and Spencer—21.

NOES—Messrs. Angney, Bartlett, Donovan, Eakin, Farley, Fraser, Graves, Hill, Hopkins, Howe, Martin, O'Connor, Roach, Turner, and Tuttle—15.

Mr. Edgerton, by leave, offered a resolution as follows:

*Resolved*, That the Engrossing Clerk of the Senate be and he is hereby directed to correct an error in the title of Senate Bill No. 538, by striking out the word "thirtieth," after the word "February," and substituting therefor the words "twenty-eighth."

Adopted.

Senate Bill No. 276—An Act to compel the retraction of false and defamatory articles in newspapers or serial publications.

Amendment concurred in.

Mr. Roach moved to amend section two, by striking out six months and inserting ten days.

Lost.

Mr. Pierson moved a suspension of the rules to consider the bill engrossed, and place it on its third reading: on which the ayes and noes were demanded by Messrs. Roach, Howe, and Donovan, and the motion prevailed, by a vote as follows:

AYES—Messrs. Beazell, Bush, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hilborn, Laine, Lewis, Lindsey, McCarthy, McCune, McGarvey, Pierson, Rogers, Satterwhite, Shirley, and Spencer—24.

NOES—Messrs. Angney, Bartlett, Graves, Hendricks, Hill, Hopkins, Howe, Martin, O'Connor, Roach, Turner, and Tuttle—12.

Read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Rogers, Bartlett, and Roach, and it passed, by a vote as follows:

AYES—Messrs. Beazell, Bush, Craig, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Laine, Lewis, Lindsey, Martin, McCarthy, McCune, McGarvey, Pierson, Rogers, Satterwhite, Shirley, and Spencer—25.

NOES—Messrs. Angney, Bartlett, Eakin, Graves, Hopkins, Howe, O'Connor, Roach, Turner, and Tuttle—10.

Senate Bill No. 294—An Act to add a section to the Political Code.  
Read third time.



On the passage of the bill the ayes and noes were demanded by Messrs. Rogers, Bartlett, and Roach, and it passed, by a vote as follows:

AYES—Messrs. Angney, Beazell, Bush, Eakin, Edgerton, Evans, Fraser, Gibbons, Graves, Hilborn, Hill, Hopkins, Laine, Lindsey, Martin, McCune, O'Connor, Shirley, Spencer, Turner, and Tuttle—21.

NOES—Messrs. Bartlett, Craig, Donovan, Farley, Flint, Hendricks, Howe, Lewis, McCarthy, McGarvey, Pierson, Roach, Rogers, and Satterwhite—14.

Senate Bill No. 92—An Act to amend section three hundred and thirty of the Penal Code.

Mr. Lewis moved to place the bill at the head of the general file for to-morrow.

Lost.

Mr. Edgerton presented a remonstrance from citizens of San Francisco, members of the Bay District Fair Ground Association, against the passage of the bill.

Mr. Gibbons moved to dispense with the further reading of the remonstrance.

Lost.

Read third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Evans, Tuttle, and McCune, and the Senate refused to pass the bill, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Eakin, Evans, Gibbons, Hilborn, Hopkins, Laine, Lindsey, Martin, McCune, Satterwhite, Spencer, Turner, and Tuttle—17.

NOES—Messrs. Beazell, Donovan, Edgerton, Farley, Flint, Fraser, Graves, Haymond, Hendricks, Hill, Howe, Lewis, McCarthy, McGarvey, O'Connor, Pierson, Roach, Rogers, and Shirley—19.

Mr. O'Connor gave notice of a motion to reconsider the vote by which the Senate refused to pass the bill.

#### REPORT.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, March 13th, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 181—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over.

Also, Senate Bill No. 353—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

And on this thirteenth day of March, eighteen hundred and seventy-six, at twelve o'clock and thirty-five minutes P. M., presented same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

Mr. Evans moved a suspension of the rules and that double the number of the report of the Committee on Corporations, ordered printed to-day, with the accompanying tabulated statement, be printed.

So ordered.

#### ADJOURNMENT.

At five o'clock and eight minutes P. M., on motion of Mr. Lewis, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER.

Tuesday, March 14th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Haymond presented a memorial from the Sacramento Society of California Pioneers, asking a continuance of the allowance granted to James W. Marshall.

Received and laid on the table.

Also, petitions from the residents of the Counties of San Francisco and San Diego, asking the passage of a law to protect certain persons against liability to be called on to act as jurors or witnesses on Saturdays.

Received and referred to the Judiciary Committee.

Mr. Roach presented a memorial from the Society of California Pioneers of San Francisco, asking a continuance of the allowance granted to General John A. Sutter.

Received and laid on the table.

Mr. Edgerton presented a remonstrance from residents of Merced and Mariposa Counties, against the passage of Senate Bill No. 426, and in favor of retaining the present Yosemite Valley Commissioners.

Received and laid on the table.

The President presented a preamble and resolutions from the Democratic County Central Committee of San Diego, relating to retrenchment and reform.

Received and referred to the Committee on Retrenchment and Reform.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Craig:

SENATE CHAMBER,

SACRAMENTO, March 13th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 517—An Act to prevent the catching of fish by seines, nets, or weirs in the San Antonio Creek, in the County of Alameda.

Also, Senate Bill No. 506—An Act to amend sections two thousand one hundred and thirty-seven and two thousand one hundred and forty of the Political Code, relative to the Insane Asylum at Stockton.

Also, Senate Bill No. 390—An Act to repeal section four hundred and fifteen of the Political Code.

Also, Senate Bill No. 440—An Act to appropriate the sum of five thousand dollars for the improvement of the roads and sidewalks around the Stockton Insane Asylum.

Also, Senate Bill No. 494—An Act to ratify, confirm, and carry into effect a certain resolution of the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 365—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 516—An Act to protect agriculture in the County of El Dorado.

Also, Senate Bill No. 489—An Act to amend an Act entitled an Act repealing Article IV. of

an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV., approved April first, eighteen hundred and seventy-two.

CRAIG, for Committee.

By Mr. Eakin:

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 115—An Act to amend sections two thousand seven hundred and one, two thousand seven hundred and two, two thousand seven hundred and three, two thousand seven hundred and six, and two thousand seven hundred and seven of the Political Code—have had the same under consideration, and report the same back, and recommend its passage.

EAKIN, Chairman.

By Mr. McGarvey:

MR. PRESIDENT: The Committee on Irrigation and Water Rights have had under consideration Senate Bill No. 80—An Act to provide a system of irrigation—and now report the same back, without recommendation.

Also, Senate Bill No. 481—An Act to provide for the irrigation of the Colorado Desert—and a majority of your committee recommend that the bill pass.

Also, Senate Bill No. 233—An Act entitled an Act to create a uniform system of irrigation for the State of California—and report the same back, without recommendation.

McGARVEY, Chairman.

Mr. Haymond moved that the bills just reported, together with Senate Bill No. 9, now in the hands of the Judiciary Committee, be made a special order for Friday next, at twelve o'clock M.

So ordered.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Graves:

MR. PRESIDENT: The delegation from Santa Barbara County having considered Assembly Bill No. 467—An Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district—report the same back, and recommend its passage.

GRAVES, for Delegation.

The bill was referred to the Committee on Roads and Highways.

By Mr. Hendricks:

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 425—An Act concerning public roads in Lassen County—report the same back, and request its reference to the Committee on State and County Revenue.

HENDRICKS, for Delegation.

The bill was so referred.

Mr. Turner, for the special committee, verbally reported Senate Bill No. 368—An Act relating to bank deposits—with a substitute, recommending the adoption and passage of the substitute.

Mr. Turner, by leave, introduced a bill as follows: An Act to add a new section to the Penal Code.

Read first and second times and ordered on the general file.

On motion of Mr. Turner, Senate Bill No. 368 and substitute, together with the above bill, were ordered fourth and fifth on the general file for to-morrow.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, March 13th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 254—An Act to enable Point Pleasant School District, of Sacramento County, to pay its school teacher.

Also, Senate Bill No. 101—An Act to enable John Hoagland and others to sue the City of Sacramento.

Also, substitute for Senate Bill No. 195—An Act to fix the terms of the County and Probate Court in the County of Merced.

Also, Senate Bill No. 215—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Senate Bill No. 352—An Act to incorporate the Town of Haywards.

Also, Senate Bill No. 240—An Act to amend an Act entitled an Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office, approved March thirtieth, eighteen hundred and seventy-four.

Also, Senate Bill No. 216—An Act to establish and define the powers and duties of a Board of Education in Grass Valley School District, in the County of Nevada, the said district including the Town of Grass Valley.

Also, Senate Bill No. 376—An Act requiring the County Treasurer of Sacramento County to make certain entries in the Treasurer's register of claims or warrants against said county.

Also, Senate Bill No. 387—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and seventy-six, and to provide for the payment thereof.

Also, Senate Bill No. 429—An Act to amend and renumber section one thousand five hundred and fifty-two, added to the Political Code by an Act approved March thirteenth, eighteen hundred and seventy-four, entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California.

Also, Senate Bill No. 242—An Act to amend section one hundred and seventeen of the Code of Civil Procedure.

WILLIAM IRWIN, Governor.

ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 13th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eleventh of March, eighteen hundred and seventy-six, passed Assembly Bill No. 609—An Act to modify the grade of certain streets in the City and County of San Francisco.

Also, on the same day, passed, under a suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 501—An Act to authorize the Board of Trustees of the Town of Santa Clara to sell a public square.

Also, on the same date, passed, under a suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 638—An Act to establish pounds in the County of San Mateo.

CAYLAT, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 13th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March seventh, passed Assembly Bill No. 357—An Act to amend section seventy-two of the Civil Code, in reference to marriages.

Also, Assembly Bill No. 571—An Act to repeal section two of an Act entitled an Act to regulate the fees of the County Clerk of Santa Clara County, approved March second, eighteen hundred and seventy-two.

Also, Assembly Bill No. 577—An Act to amend section one hundred and thirty-four of the Code of Civil Procedure.

And, on March eighth, passed Assembly Bill No. 520—An Act to incorporate the Town of St. Helena.

Also, Assembly Bill No. 588—An Act to legalize the taxes in Winship School District, Sutter County.

And, on March tenth, passed Assembly Bill No. 478—An Act prescribing the manner of counting the moneys in the hands of the County Treasurer of the County of Sacramento.

And, on March eleventh, passed Assembly Bill No. 578—An Act to confer further powers on the Justices of the Peace of the City and County of San Francisco.

Also, Senate Bill No. 245—An Act to repeal an Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, Santa Clara, Solano, Sonoma, and Siskiyou Counties from the payment of poll-taxes, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 185—An Act to amend the Civil Code.



Also, Senate Bill No. 194—An Act to amend section fifty-nine of the Civil Code of the State of California.

Also, Senate Bill No. 251—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure.

Also, Senate Bill No. 417—An Act to amend the twenty-ninth section of the Code of Civil Procedure, fixing the terms of Court of the Second Judicial District.

Also, Senate Bill No. 350—An Act to amend an Act entitled an Act relative to streets and roads in the City and County of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Concurrent Resolution No. 13—Relating to the Atlantic and Pacific Railroad Reserve.

Also, amended and passed Senate Bill No. 135—An Act to amend an Act entitled an Act to abate the squirrel nuisance in certain counties of the State of California, approved March tenth, eighteen hundred and seventy-four.

O'NEIL, Assistant Clerk.

#### ASSEMBLY CHAMBER.

SACRAMENTO, March 14th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March thirteenth, passed substitute for Senate Bill No. 252—An Act to amend section one thousand and fifty-five of the Political Code.

Also, Senate Bill No. 54—An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs.

Also, Senate Bill No. 310—An Act to amend section eight hundred and forty-three of the Political Code.

Also, Senate Bill No. 309—An Act to amend section one thousand five hundred of the Code of Civil Procedure.

Also, Senate Bill No. 256—An Act to protect sea-gulls in the neighborhood of Santa Monica.

Also, Senate Bill No. 398—An Act to extend the franchise granted to David Girkey and others to build a wharf at Santa Cruz.

Also, Senate Bill No. 472—An Act to appropriate money for the purpose of insuring the State Printing Office.

Also, amended and passed Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code.

Also, that the Assembly concurred in Senate amendments to Assembly Bills Nos. 231, 278, 377, and 496.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 609 and 578, above reported, each read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 501, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 638, above reported, read first and second times, rules suspended, and, by general consent, read third time, and passed.

Assembly Bills Nos. 577 and 357, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 478, 588, 571, and 520, above reported, each read first and second times and referred to the delegations named in the bills.

Senate Bill No. 135, above reported. Assembly amendments concurred in.

Senate Bill No. 275, above reported. The Senate refused to concur in the Assembly amendment to the bill.

Mr. Beazell, for the delegation, by leave, verbally reported Assembly Bill No. 440—An Act supplemental to and amendatory of an Act entitled an Act to incorporate the Town of Alameda, and an Act amendatory of said Act, approved March seventh, eighteen hundred and seventy-two, approved March eighteenth, eighteen hundred and seventy-two.

Rules suspended, and the bill taken up for consideration.

Amendments concurred in.

Read third time and passed.

Mr. Eakin, by leave, submitted the following report:

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 202—An Act to authorize the Board of Supervisors of Lake County to levy a tax for road purposes—have had the same under consideration, and report the same back, and recommend its passage.

Also, have had under consideration Senate Bill No. 531—An Act to authorize the Board of Supervisors of Napa County to construct a new road, and to improve Howell Mountain grade—and report the same back, with the recommendation that it do not pass.

EAKIN, Chairman.

Assembly Bill No. 202, above reported, taken up under a suspension of the rules.

Read third time and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lewis—An Act concerning road poll-tax for Tehama County.

Read first and second times and ordered on the general file.

By Mr. Angney—An Act to amend section eighteen of an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six.

Read first and second times.

Rules suspended, considered engrossed, and, by general consent, read third time and passed.

By Mr. Tuttle—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times and referred to the Judiciary Committee.

By Mr. McCarthy—An Act authorizing and directing the Secretary of State to change the size and style of enrolling paper.

Read first and second times.

Rules suspended, considered engrossed, and, by general consent, read third time and passed.

By Mr. Haymond—An Act to provide for the payment of certain coupons.

Read first and second times.

Rules suspended, considered engrossed, and, by general consent, read third time and passed.

Rules further suspended, and ordered transmitted to the Assembly without engrossment.

By Mr. Edgerton—An Act to provide for finishing the interior of the State Capitol.

Read first and second times and referred to the Committee on Public Buildings and Grounds.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Lewis moved to reconsider the vote by which the Senate, on yesterday, refused to pass Senate Bill No. 92—An Act to amend section three hundred and thirty of the Penal Code.

Mr. Edgerton moved to indefinitely postpone the motion to reconsider.

On which the ayes and noes were demanded by Messrs. Tuttle, O'Connor, and McCune, and the motion prevailed, by a vote as follows:

AYES—Messrs. Donovan, Edgerton, Farley, Flint, Fraser, Graves, Haymond, Hendricks, Hill, Howe, Lewis, McCarthy, McCoppin, McGarvey, Pierson, Reach, Rogers, and Shirley—18.

NOES—Messrs. Angley, Bartlett, Bush, Evans, Gibbons, Hopkins, Lane, Lindsey, Martin, McCune, Montgomery, O'Connor, Satterwhite, Spencer, Turner, and Tuttle—16.

On motion of Mr. Lewis, the rules were suspended, and Senate Bill No. 519 taken from the general file for consideration.

Senate Bill No. 519—An Act to repeal an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals in Tehama County.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.  
Ordered to the Assembly immediately, and without engrossment.

On motion of Mr. Spencer, the rules were suspended, and Assembly Bill No. 525 taken from the general file for consideration.

Assembly Bill No. 525—An Act to prevent the trespassing of animals upon private property in the Counties of Stanislaus, Fresno, and Sutter.

Amendments concurred in.

Read third time and passed.

On motion of Mr. Tuttle, the rules were suspended, and Senate Bill No. 503 taken from the general file for consideration.

Senate Bill No. 503—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

On motion of Mr. Haymond, the bill was referred to the Judiciary Committee, with instructions to report to-morrow.

On motion of Mr. Lindsey, the rules were suspended, and Assembly Bill No. 221 taken from the general file for consideration.

Assembly Bill No. 221—An Act to establish the county line between the Counties of Fresno and Tulare.

Amendments concurred in.

Read third time and passed.

#### GENERAL FILE.

Senate Bill No. 127—An Act to amend sections ninety-two, one hundred and twenty-four, one hundred and forty-six, and one hundred and forty-seven, and to repeal sections ninety-four to one hundred and seven, inclusive, and sections one hundred and eighteen, one hundred and nineteen, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, and one hundred and forty-four of the Civil Code, in relation to divorces.

#### SPECIAL ORDER.

Tuesday, March fourteenth, at twelve o'clock M. Assembly Bill No. 182—An Act prescribing the maximum rate which may be charged for the transportation of passengers and freight on the railroads in this State.

Mr. Lewis moved that the special order be postponed until Thursday, the sixteenth instant, at eleven o'clock A. M., and that Senate

Bills Nos. 332, 134, and 319 be considered at the same time, and the whole subject be continued until finally disposed of.

Agreed to.

#### RECESS.

At twelve o'clock and thirty-five minutes p. m. the Senate took a recess.

#### RE-ASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

Senate Bill No. 127 continued.

Amendment adopted in Committee of the Whole concurred in.

Further amended.

On engrossment, the ayes and noes were demanded by Messrs. Lewis, Howe, and McGarvey, and the bill was ordered engrossed, by a vote as follows:

AYES—Messrs. Anguey, Beazell, Bush, Craig, Donovan, Edgerton, Farley, Flint, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hill, Laine, Lindsey, McNamee, Montgomery, Nunan, O'Connor, Pierson, Roach, Satterwhite, and Shirley—24.

NOES—Messrs. Bartlett, Eakin, Evans, Haymond, Hopkins, Howe, Lewis, Martin, McCoppin, McGarvey, Spencer, and Turner—12.

#### GENERAL FILE RESUMED.

Senate Bill No. 431.

Mr. Tuttle moved to refer the bill to the Committee on Education, to report to-morrow.

So ordered.

Assembly Bill No. 429—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in the County of Sonoma.

Indefinitely postponed.

Assembly Bill No. 369—An Act fixing the number of Supervisors of Humboldt County.

Read third time and passed.

Assembly Concurrent Resolution No. 33—Relative to the construction of a breakwater and light-house at the Port of Mendocino.

Read third time and concurred in.

Senate Concurrent Resolution No. 31—Asking Congress to prevent the discrimination in the transportation of freight on the Central and Union Pacific Railroads.

Referred to the San Francisco delegation.

Senate Bill No. 110—An Act to amend an Act entitled an Act to establish the county line between the Counties of Fresno and Tulare, approved March seventh, eighteen hundred and seventy-four.

Indefinitely postponed.

Assembly Bill No. 320—An Act to provide for the distribution of school money in certain counties.

Amendments concurred in.

Read third time and passed.

Senate Bill No. 486—An Act to aid in the construction of a levee and ditch to protect the grounds of the Insane Asylum at Stockton from overflow and inundation.

Rules suspended, considered engrossed, read third time, and passed.



Senate Bill No. 496—An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, passed, and ordered engrossed out of its order.

Bills were introduced, by leave, as follows:

By Mr. Haymond—An Act to provide for the completion of the Branch State Prison.

Read first and second times and referred to the Committee on State Prisons.

By Mr. Fraser—An Act to extend the time for selling property for delinquent taxes in the County of Alpine.

Read first and second times and referred to the delegation.

Senate Bill No. 462—An Act in regard to the payment of coupons on Sacramento City bonds, funded under the Acts of April twenty-fourth, eighteen hundred and fifty-eight, and March twenty-second, eighteen hundred and sixty-four.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Report of Committee on Contingent Expenses on expenses of contested election of *Ward v. Montgomery*.

Mr. Graves offered a resolution as follows:

*Resolved*, That Honorable J. M. Montgomery, Senator from the Fifth Senatorial District, be and he is hereby allowed the sum of two thousand six hundred and eighty-eight dollars and seventy-five cents, in payment of the expenses incurred by him in the contested election case of *Ward v. Montgomery*, payable out of the appropriation for the contingent expenses of the Senate; and the Controller is hereby authorized and required to draw his warrant on said appropriation therefor, and the Treasurer is required to pay the same.

Mr. Laine move to amend by striking out "two thousand six hundred and eighty-eight dollars and seventy-five cents," and inserting "one thousand one hundred and eighty-eight dollars and seventy-five cents."

On adopting the amendment, the ayes and noes were demanded by Messrs. McCune, Beazell, and Hill, and it was adopted, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Edgerton, Farley, Flint, Gibbons, Hilborn, Hill, Laine, Lewis, Martin, McCune, McGarvey, O'Connor, and Tuttle—16.

NOES—Messrs. Beazell, Fraser, Graves, Haymond, Hendricks, Howe, Lindsey, McCarthy, McCoppin, Pierson, Roach, Rogers, Satterwhite, Spencer, and Turner—15.

Resolution adopted as amended.

Assembly Bill No. 180 passed on file.

Senate Bill No. 407—An Act to add a new article to the Political Code.

Indefinitely postponed.

Senate Bill No. 437—An Act to amend section three thousand six hundred and forty-four of the Political Code.

Amendment adopted.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Tuttle, for the Committee on Education, verbally reported Senate Bill No. 431, with an amendment, recommending its passage as amended.

Senate Bill No. 431—An Act to amend an Act entitled an Act to provide for the building of a school-house in the Merced School

District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Amendment adopted.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Edgerton, by leave, introduced a bill as follows: An Act to amend section two thousand and twenty-five of the Code of Civil Procedure.

Read first and second times.

Rules suspended, considered engrossed, and, by general consent, read third time and passed.

Mr. Flint submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, March 14th, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 496—An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin.

FLINT, for Committee.

Senate Bill No. 406—An Act for the relief of Mrs. T. M. Logan.

Rules suspended, considered engrossed, read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Laine, Angney, and Fraser, and it passed, by a vote as follows:

AYES—Messrs. Donovan, Eakin, Edgerton, Evans, Flint, Gibbons, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, Montgomery, O'Connor, Roach, Rogers, and Spencer—20.

NOES—Messrs. Angney, Bartlett, Bush, Fraser, Graves, Hill, Laine, Lindsey, McCune, McGarvey, Pierson, Satterwhite, Shirley, and Tuttle—14.

Assembly Bill No. 266 and Senate Bill No. 418 passed on file.

Senate Bill No. 411—An Act in relation to the deposit of securities by foreign insurance companies.

Laid on the table.

Senate Bill No. 246—An Act to amend certain sections of the Political Code, relating to swamp and overflowed lands.

On motion of Mr. Haymond, ordered at the foot of the general file.

Senate Bill No. 501—An Act to transfer certain funds in the State treasury belonging to the State Harbor Commission.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 469—An Act to amend section three thousand four hundred and sixty-five of the Political Code.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 143—An Act to regulate contracts on behalf of the State in relation to erections and buildings.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Rules further suspended, and the bill ordered engrossed out of its order.

Senate Bill No. 505—An Act to provide revenue for the support of the government of this State.

On motion of Mr. Edgerton, the bill was made a special order for to-morrow, at eleven o'clock A. M.

Mr. Hill, by leave, submitted a report as follows:

MR. PRESIDENT: The Napa delegation, to whom was referred Assembly Bill No. 520—An Act to incorporate the Town of St. Helena—have had the same under consideration, and here-

with respectfully report the same back, and recommend that it be referred to the Committee on Corporations.

Also, Assembly Bill No. 458—An Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four—and herewith report the same back, and ask that the bill be referred to the Committee on Corporations.

HILL, for Delegation.

The bills were so referred.

Mr. Eakin submitted a report, by leave, as follows:

MR. PRESIDENT: The Committee on Roads and Highways have had under consideration Assembly Bill No. 486—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four—and return the same, recommending its passage.

EAKIN, Chairman.

Mr. Tuttle (by request and by leave) introduced a bill as follows: An Act to appropriate funds for the relief of the several orphan asylums of the State.

Read first and second times and referred to the Committee on Finance.

#### ADJOURNMENT.

At four o'clock and thirty-two minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER.

Wednesday, March 15th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Mr. Haymond, by leave, introduced a bill as follows: An Act to authorize the Board of Trustees of the City of Sacramento to levy taxes for city purposes.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time and passed.

Rules further suspended, and ordered transmitted to the Assembly without engrossment and out of its order.

#### PETITIONS.

Mr. Hill presented a petition from citizens and tax-payers of the Town of St. Helena, Napa County, in favor of Assembly Bill No. 520—An Act to incorporate said town.

Also, a remonstrance against the passage of said bill.

Received and referred to the Committee on Corporations.

Mr. Lewis moved that the Judiciary Committee be granted further time to consider certain bills providing for a system of irrigation in certain counties of this State, now before said committee.

Mr. Evans offered an amendment, by instructing the committee to report Senate Bill No. 9, known as the "West Side Irrigation Bill," on Friday morning next.

Amendment adopted, and the motion agreed to as amended.

Mr. Lewis moved to take from the general file Senate Bill No. 305 and Senate Bill No. 347, and re-refer said bills to the Judiciary Committee.

Mr. Hilborn presented a memorial of certain water companies in this State, in reference to Senate Bill No. 305 and substitute, requesting the reference of said bills to the Judiciary Committee, or some other committee of the Senate, that a hearing may be granted to the corporations interested in the proposed legislation.

On the motion to re-refer the bills to the Judiciary Committee, the ayes and noes were demanded by Messrs. Craig, Donovan, and McCarthy, and the Senate refused to recommit the bills, by a vote as follows:

AYES—Messrs. Edgerton, Graves, Hilborn, Hill, Lewis, and O'Connor—6.

NOES—Messrs. Anguey, Bartlett, Bush, Craig, Donovan, Eakin, Evans, Farley, Flint, Fraser, Raymond, Hendricks, Hopkins, Howe, Laine, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Turner, and Tuttle—29.

#### SPECIAL ORDER.

Wednesday, March fifteenth, at eleven o'clock A. M. Senate Bill No. 505—An Act to provide revenue for the support of the government of this State.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Evans, the recess required at this hour was temporarily postponed.

Senate Bill No. 505.

Reported from the Committee of the Whole with amendments.

All the amendments concurred in, except the amendment striking out section twenty-three.

The Senate refused to concur in striking out section twenty-three of the bill.

On motion of Mr. Laine, section twenty-three was made section twenty-four.

On motion of Mr. Satterwhite, the bill was further amended by striking out all after the word "misdemeanor," in line eight of the printed bill.

#### RECESS.

At twelve o'clock and forty minutes P. M. the Senate took a recess.

#### RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President pro tem. in the chair.

Roll called, and a quorum present.

Mr. Montgomery, by leave, submitted a report as follows:

MR. PRESIDENT: The Mariposa delegation, to whom was referred Assembly Bill No. 399—An Act concerning goats in the County of Mariposa—report the same back to the Senate, and recommend its reference to the Committee on Agriculture.

MONTGOMERY, for Delegation.

The bill was so referred.



Mr. Howe, by leave, presented a petition of the San Francisco Lying-in Hospital and Foundling Asylum, asking an appropriation from the State.

Received and referred to the Committee on Finance, and ordered printed.

Mr. Flint, by leave, submitted the following reports:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 467—An Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district—have had the same under consideration, ask leave to report it back, and recommend its passage.

FLINT, for Committee.

MR. PRESIDENT: The Monterey delegation, to whom was referred Assembly Bill No. 378—An Act to incorporate the City of Monterey—ask leave to report the same back, and recommend that it be referred to the Committee on Corporations, with accompanying petitions.

FLINT, for Delegation.

The bill was so referred.

Mr. McCune, by leave, introduced a bill as follows: An Act supplementary to an Act entitled an Act to enable John Hoagland and others to sue the City of Sacramento, approved March eleventh, eighteen hundred and seventy-six.

Read first and second times.

Rules suspended, and, by general consent, read third time, passed, and ordered to the Assembly immediately, without engrossment.

Senate Bill No. 505 resumed.

Section one amended, on motion of Mr. McCoppin.

Mr. O'Connor moved to strike out the enacting clause of the bill.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Beazell, Eakin, Flint, Haymond, Lewis, Martin, McCoppin, McGarvey, Nunan, and O'Connor—10.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Evans, Farley, Fraser, Graves, Hilborn, Hill, Hopkins, Howe, Laine, Lindsey, McCune, Montgomery, Rogers, Satterwhite, Spencer, Turner, and Tuttle—21.

Two o'clock p. m. The hour set to consider as a special order the Governor's message returning, without his approval, Senate Bill No. 250.

On motion of Mr. Farley, the special order was temporarily postponed.

Senate Bill No. 505 continued.

Mr. McCoppin offered an amendment as follows:

Amend section one by striking out of lines eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven, the words "twenty," "thirty," "forty," "sixty," "eighty," "one dollar," "one dollar and forty cents," "two dollars," "three dollars," "four dollars," "six dollars," "eight dollars," "ten dollars," "fourteen dollars," "twenty dollars," "thirty dollars," "thirty-eight dollars," "fifty-six dollars," "ninety dollars," "one hundred and seventy-five dollars," and insert in lieu thereof the following: "ten," "twenty," "thirty," "forty," "fifty," "seventy-five cents," "one dollar," "one dollar and fifty cents," "two dollars," "three dollars," "four dollars," "five dollars," "six dollars," "eight dollars," "ten dollars," "fifteen dollars," "twenty dollars," "thirty dollars," "fifty dollars," "seventy-five dollars."

Lost.

Mr. McCoppin moved to reconsider the vote by which section twenty-three of the bill was adopted.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Donovan, Evans, Gibbons, Graves, Hill, Howe, Laine, Lindsey, McCoppin, McCune, Montgomery, Nunan, Roach, Rogers, Shirley, and Turner—20.

NOES—Messrs. Beazell, Eakin, Farley, Flint, Fraser, Haymond, Hendricks, Hilborn, Hopkins, Lewis, Martin, McCarthy, McGarvey, O'Connor, Pierson, Satterwhite, and Tuttle—17.

Section twenty-three being before the Senate, reads as follows:

"Section 23. Two-thirds of all the receipts into the State treasury under the provisions of this bill shall be for the use and benefit of the various counties in the State, and shall annually, on the first Monday in January in each year, be apportioned by the Controller to the counties, in proportion as the sum shall bear to the assessed value of the property in such counties for the fiscal year then existing; and the Treasurer of State shall, upon the warrant of the Controller, pay the amount due to any county to the Treasurer thereof, on demand."

On adopting the section, the ayes and noes were demanded by Messrs. Lewis, Satterwhite, and Evans, and the Senate refused by a vote as follows:

AYES—Messrs. Beazell, Eakin, Evans, Farley, Flint, Fraser, Haymond, Hendricks, Hopkins, Lewis, Martin, McCarthy, McGarvey, O'Connor, Pierson, Satterwhite, and Tuttle—17.

NOES—Messrs. Angney, Bush, Craig, Donovan, Gibbons, Graves, Hilborn, Hill, Howe, Laine, Lindsey, McCoppin, McCune, Montgomery, Nunan, Roach, Rogers, Shirley, and Turner—19.

Mr. Lewis moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Eakin, Farley, Flint, Haymond, Hendricks, Howe, Lewis, Martin, McCoppin, McGarvey, Nunan, O'Connor, and Roach—14.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Evans, Fraser, Gibbons, Graves, Hilborn, Hill, Hopkins, Laine, Lindsey, McCarthy, McCune, Montgomery, Pierson, Rogers, Satterwhite, Shirley, Turner, and Tuttle—23.

Mr. Evans moved to suspend the rules, to consider the bill engrossed and place it on its third reading.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows, two-thirds of the Senate failing to vote in the affirmative:

AYES—Messrs. Angney, Beazell, Bush, Craig, Evans, Fraser, Gibbons, Graves, Hilborn, Hill, Hopkins, Laine, Lindsey, McCarthy, McCune, Montgomery, Rogers, Satterwhite, Shirley, and Turner—20.

NOES—Messrs. Bartlett, Donovan, Eakin, Farley, Flint, Haymond, Hendricks, Howe, Lewis, Martin, McCoppin, McGarvey, Nunan, O'Connor, Pierson, Roach, and Tuttle—17.

On the engrossment of the bill, the ayes and noes were demanded by the requisite number, and it was ordered engrossed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Donovan, Evans, Fraser, Gibbons, Graves, Hilborn, Hill, Hopkins, Laine, Lindsey, McCarthy, McCune, Montgomery, Pierson, Satterwhite, Shirley, and Turner—21.

NOES—Messrs. Eakin, Farley, Flint, Haymond, Hendricks, Howe, Martin, McGarvey, Nunan, O'Connor, and Roach—11.

Mr. Donovan gave notice of a motion to reconsider the vote by which the bill was ordered engrossed.

[President in the chair.]

Mr. Roach, by leave, submitted a report, as follows:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 492—An Act supplementary to an Act, approved March thirtieth, eighteen hundred and seventy-four, and entitled an Act to abolish the Board of City Hall Commissioners, and to provide for the completion of the City Hall of the City and County of San Francisco—have considered the same, and recommend its passage.

Also, have considered Senate Bill No. 477—An Act to provide for the completion of the building, in the City and County of San Francisco, known as the "New City Hall," and recommend the passage of the same as amended.

Also, have considered Senate Bill No. 522—An Act providing for the removal of deceased persons interred in California street, west of Lyon street, in the City and County of San Francisco, and for the grading of California street, between Lyon street and First Avenue, in said city and county—and recommend the passage of the same as amended.

Also, have considered Senate Bill No. 536—An Act to authorize the Board of Supervisors of the City and County of San Francisco to transfer the sum of ten thousand dollars from the General Fund to the Building Fund of said city and county—and recommend the passage of the same as amended.

Also, have considered Assembly Bill No. 615—An Act to authorize the appropriation of five thousand dollars from the General Fund of the City and County of San Francisco, for the maintenance and support of the fire-alarm and police telegraph of said city and county—and recommend the passage of the same.

Also, have considered Assembly Bill No. 566—An Act amendatory of and supplementary to an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six—and recommend its indefinite postponement.

Also, have considered Senate Bill No. 394—An Act amendatory of and supplementary to an Act entitled an Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco, approved April fourth, eighteen hundred and seventy—and recommend the passage of the same.

ROACH, Chairman.

The rules were suspended, and the following bills, above reported, taken up for consideration:

Senate Bill No. 394.

Amended by renumbering the sections.

Rules further suspended, considered engrossed, read third time, and passed.

Ordered to the Assembly immediately without engrossment.

Assembly Bill No. 615.

Read third time and passed.

Senate Bill No. 522.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Bills were introduced, by leave, as follows:

By Mr. Beazell—An Act to authorize the County Clerk of Alameda County to employ two additional deputies.

Read first and second times and referred to the Alameda delegation.

By Mr. Pierson—An Act for the relief of John Parnell, James Byrnes, and Patrick Ryan.

By Mr. McCoppin (by request)—An Act supplemental to an Act entitled an Act to provide for the improvement of public parks in the City of San Francisco, approved April fourth, eighteen hundred and seventy, and to another Act amendatory of and supplemental to the same, approved March thirtieth, eighteen hundred and seventy-two, and also supplemental to an Act entitled an Act concerning certain public reservations of the City and County of San Francisco, approved March eleventh, eighteen hundred and seventy-four.

Each of the above bills read first and second times and referred to the San Francisco delegation.

By Mr. Gibbons—An Act to provide for opening of streets in the Town of Alameda.

Read first and second times and referred to the Committee on Corporations.

#### SPECIAL ORDER.

The special order was now taken up: Veto message of the Governor of Senate Bill No. 250—An Act to provide for the construction of an academy in the County of Tehama.

Upon the question, "Will the Senate pass the bill, notwithstanding the objections of the Governor?" the roll was called, and the Senate refused to pass the bill, by a vote as follows:

AYES—MESSRS. Craig, Haymond, and Howe—3.

NOES—MESSRS. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Eva, Farley, Flint, Fraser, Gibbons, Graves, Hill, Hopkins, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, and Tuttle—30.

Mr. McCarthy submitted a report as follows:

#### SENATE CHAMBER.

SACRAMENTO, March 15th, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 245—An Act to repeal an Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, Santa Clara, Solano, Sonoma, and Siskiyou Counties from the payment of poll-tax, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 185—An Act to amend the Civil Code.

Also, substitute for Senate Bill No. 104—An Act to amend section fifty-nine of the Civil Code of the State of California.

Also, Senate Bill No. 251—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure.

Also, Senate Bill No. 417—An Act to amend the fifty-ninth section of the Code of Civil Procedure, fixing the terms of Court of the Second Judicial District.

Also, Senate Bill No. 350—An Act to amend an Act entitled an Act relating to streets and roads in the City and County of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Joint Resolution No. 13—Relating to the Atlantic and Pacific Railroad Reserve.

Also, substitute for Senate Bill No. 252—An Act to amend section one thousand and fifty-five of the Political Code.

Also, Senate Bill No. 54—An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs.

Also, Senate Bill No. 310—An Act to amend section eight hundred and forty-three of the Political Code.

Also, Senate Bill No. 309—An Act to amend section one thousand five hundred of the Code of Civil Procedure.

Also, Senate Bill No. 256—An Act to protect sea-gulls in the neighborhood of Santa Monica.

And on this fifteenth day of March, eighteen hundred and seventy-six, at two o'clock and forty-five minutes P. M., presented the same to his Excellency the Governor for his approval.

MC CARTHY, Chairman.

Mr. Laine, for the delegations, verbally reported Assembly Bill No. 271—An Act to regulate the use of artesian wells, and to prevent the waste of subterraneous waters—recommending the passage of the bill.

Rules suspended, and the bill taken up for consideration.

Read third time and passed.

#### GENERAL FILE.

Senate Bill No. 305—An Act to amend section five hundred and forty of the Civil Code.



At four o'clock and ten minutes p. m. Mr. Lewis moved to adjourn.  
Lost.

Mr. Howe submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, March 15th, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 143—An Act to regulate contracts on behalf of the State, in relation to erections and buildings.

HOWE, for Committee.

Senate Bill No. 305 continued.

Reported from the Committee of the Whole with amendments.

On motion of Mr. Lewis, the bill was ordered at the head of the general file for to-morrow.

#### ADJOURNMENT.

At five o'clock and eight minutes p. m., on motion of Mr. Lewis, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER.

Thursday, March 16th, 1876

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

#### PETITION.

Mr. Rogers (by request) presented a petition from Joseph Neumann, in reference to a silk American flag, manufactured by him and now in the possession of the Secretary of State, with a resolution accompanying the same, directing the Secretary of State to deliver to the said Joseph Neumann said flag, as his property.

Petition and resolution received and referred to the Committee on the Centennial Exhibition.

#### REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Beazell:

MR. PRESIDENT: The Swamp Land Committee, to whom was referred Assembly Bill No. 633—An Act to define the boundary and provide for the government of Levee District Number Two, of Sutter County—report the same back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

BEAZELL, for Committee.

## By Mr. Angney:

MR. PRESIDENT: The Finance Committee have had under consideration the following bills, viz: Senate Bill No. 381—An Act to continue and complete the geological survey of California—and recommend that it do not pass.

Senate Bill No. 399—An Act concerning the office of State Geologist, and to repeal certain sections of the Political Code relating thereto—and recommend that it do not pass.

Assembly Bill No. 487—An Act providing for the refunding of certain bonded indebtedness of the County of Santa Clara—and return the same, recommending its passage.

Senate Bill No. 487—An Act to provide revenue for the support of the State Government—and report the same back, without recommendation.

Assembly Bill No. 492—An Act making appropriation for certain deficiencies in the appropriations for the twenty-sixth and twenty-seventh fiscal years—and recommend the passage of the same.

ANGNEY, Chairman.

## By Mr. Turner:

MR. PRESIDENT: The majority of the Committee on Finance, to whom was referred Senate Bill No. 52—An Act making an appropriation to aid exhibitors from the State of California at the Centennial Exhibition to be held in the City of Philadelphia, in July, eighteen hundred and seventy-six—report the same back, with a substitute, recommend its adoption, and the passage of the bill.

TURNER, for Majority.

MR. PRESIDENT: The minority of the Finance Committee, to which was referred Senate Bill No. 52—An Act making an appropriation to aid exhibitors from the State of California at the Centennial Exhibition to be held in the City of Philadelphia, in July, eighteen hundred and seventy-six—dissent from the views of the majority of said committee, and recommend that the bill do not pass, for the reasons following:

*First*—It is inexpedient to make an appropriation, because the season is so far advanced and the interval so short that the State of California, as such, would be unable to present a fair or full representation of her advancement in the industries of civilized life, or of her rich and varied natural productions.

*Second*—Any appropriation of money will be used for the benefit of a few individuals and the exhibition of a few industries or productions, in which the body of the tax payers have no common interest, although the funds contributed by all are employed for this purpose.

*Third*—Exhibitions like the Centennial, although surrounded by the prestige of a great national event, are really great private enterprises, and ought to be encouraged and sustained solely by the liberality and the wealth of private individuals.

*Fourth*—To apply public funds to such enterprises becomes vicious legislation, since it establishes an example for other assaults on the treasury, and leaves the States and the General Government exposed to be depleted by means wholly foreign to the purpose of taxation.

*Fifth*—The power of the Legislature over the subject of taxation is limited. Any attempt of the Legislature to raise, by taxation, funds for such a purpose, would be enjoinable by the Courts; and if a fund could not be created in this way, the Legislature should not attempt to divert a fund already in existence, which taxation has produced. Taxes can be collected solely for objects which are within the purpose for which governments are established (*Loan Association v. Topaka*, 20 Wallace, 655), and as the Centennial is not such a purpose, to apply to and expend upon it the taxes of the people, is an abusive exercise of the powers of legislation, wholly unwarranted by reasons for which governments are established, and is an appropriation of the private property of some citizens for the use of others.

W. Z. ANGNEY.  
B. F. TUTTLE.

Mr. Laine moved to refer the bill and substitute, above reported, to the Committee on the Centennial Exhibition, with instructions to report the same on Monday morning next.

So ordered.

By Mr. Howe:

SENATE CHAMBER,  
SACRAMENTO, March 16th, 1876. }

MR. PRESIDENT: Your committee have examined and find correctly engrossed substitute for Senate Bill No. 432—An Act to amend the Civil Code by adding a new section thereto, to be numbered three hundred and twenty-one, and to repeal section five hundred and eighty-four of same Code, concerning corporations.

Also, substitute for Senate Bill No. 439—An Act to appropriate the sum of thirteen thousand dollars to make certain repairs in the State Normal School, and to provide furniture therefor, and

also to provide for a deficiency in the appropriation for the twenty-sixth and twenty-seventh fiscal years for said school.

Also, Senate Bill No. 384—An Act to provide for the collection of delinquent taxes for the twenty-fourth, twenty-fifth, and twenty-sixth fiscal years in the City and County of San Francisco.

Also, Senate Bill No. 385—An Act to provide for the collection of delinquent taxes in the City and County of San Francisco.

HOWE, for Committee.

#### REPORTS OF SELECT COMMITTEES.

Mr. Beazell, for the delegation, verbally reported Senate Bill No. 567—An Act to authorize the County Clerk of Alameda County to employ two additional deputies—recommending its passage.

Subsequently taken up under a suspension of the rules, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Also, Assembly Bill No. 332—An Act to authorize the City Council of the City of Oakland, Alameda County, to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company—recommending its passage.

Mr. Lindsey, for the delegation, verbally reported Senate Bill No. 139—An Act to amend section one thousand eight hundred and fifty-eight of the Political Code, relating to public schools—recommending that the bill do not pass.

By Mr. Graves:

MR. PRESIDENT: The delegation from Ventura County reports back Assembly Bill No. 468—An Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, and also to change the name of Cañada street, in said town, to that of Ventura street—and recommend its passage and reference to the Committee on Corporations.

W. J. GRAVES.

The bill was so referred.

Mr. Pierson, for the select committee appointed to inquire into the progress made in printing the laws of this session, verbally reported that they were informed by the Secretary of State that all the laws enacted at this session had been copied, and that only one had been printed.

By Mr. Hill:

MR. PRESIDENT: The Lake County delegation, to whom was referred Assembly Bill No. 210—An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four—have had the same under consideration, and herewith report the same back, and recommend the passage of the bill.

HILL, for Delegation.

The bill above reported was referred to the Committee on Roads and Highways.

By Mr. Roach:

MR. PRESIDENT: The San Francisco Senate delegation, to whom was referred Assembly Bill No. 37—An Act to regulate street railroads in the City and County of San Francisco—have considered the same, and recommend that it do not pass.

Also, have considered Senate Bill No. 430—An Act for the relief of George Green and James Smith, of the City and County of San Francisco—and recommend the passage of the same.

Also, have considered Senate Bill No. 568—An Act for the relief of John Parnell, James Byrnes, and Patrick Ryan—and recommend its passage.

Also, have considered Assembly Bill No. 130—An Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco—and recommend the passage of the same as amended.

ROACH, Chairman.

By Mr. Angney :

MR. PRESIDENT : The Santa Clara delegation, to whom was referred Assembly Bill No. 571—An Act to repeal section two of an Act entitled an Act to regulate the fees of the County Clerk of Santa Clara County, approved March second, eighteen hundred and seventy-two—have considered the same, and recommend its passage.

ANGNEY, for Delegation.

Rules suspended, and the bill above reported taken up for consideration.

Read third time and passed.

By Mr. Spencer :

MR. PRESIDENT : The Sutter delegation, to whom was referred Assembly Bill No. 588—An Act to legalize the taxes in Winship School District, Sutter County—have had it under consideration, and beg leave to report the same back, and recommend its passage.

SPENCER, for Delegation.

Rules suspended, and the bill above reported taken up for consideration.

Read third time and passed.

Mr. Spencer moved that Senate Bill No. 509 be printed.

So ordered.

Mr. Craig moved a suspension of the rules, to take from the general file Senate Bill No. 305 for consideration.

So ordered.

Senate Bill No. 305—An Act to amend section five hundred and forty-nine of the Civil Code.

Reported from the Committee of the Whole with a substitute.

Substitute concurred in.

Mr. Nunan moved that the bill be printed and referred to the San Francisco delegation, with instructions to report the same to-morrow morning, at eleven o'clock.

Lost.

On motion of Mr. Rogers, Senate Bill No. 103, the special order set for eleven o'clock A. M., was temporarily postponed.

On the engrossment of Senate Bill No. 305, the ayes and noes were demanded by Messrs. Roach, Nunan, and Pierson, and it was ordered engrossed, by a vote as follows :

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Donovan, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, O'Connor, Pierson, Rogers, Satterwhite, Shirley, Spencer, and Turner—33.

NOES—Messrs. Edgerton, Graves, Nunan, and Roach—4.

Mr. Craig moved a suspension of the rules, that the bill be printed and engrossed out of its order, and made a special order for ten o'clock and thirty minutes A. M., on Saturday, the eighteenth instant.

Agreed to.

Mr. Farley submitted the following report :

SENATE CHAMBER.

SACRAMENTO, March 16th, 1876. }

MR. PRESIDENT : The Committee on Corporations, to whom was referred Assembly Bill No. 544—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight—have had the same under consideration, report it back, with amendments, recommend the adoption of the amendments, and the passage of the bill as amended.



Also, Senate Bill No. 548—An Act to provide for the opening of streets in the City of Oakland—report the same back, with amendments, respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 570—An Act to provide for opening streets in the Town of Alameda—report the same back, with amendments, respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 483—An Act to add a new section to the Civil Code, to be numbered five hundred and fifty-two—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 501—An Act to authorize the Board of Trustees of Santa Clara to sell a public square—report the same back, and recommend its reference to the delegation.

Also, Assembly Bill No. 485—An Act to amend an Act to reincorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four—report the same back, with an amendment, recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Senate Bill No. 499—An Act to authorize the Santa Cruz Lime Company to build a wharf in the County of Santa Cruz—report the same back, and recommend that it do not pass.

Your committee, in order to accomplish the ends desired to be reached by the passage of Senate Bill No. 499, have reported the following bill: An Act to amend section two thousand nine hundred and six of the Political Code—and recommend its passage.

FARLEY, Chairman.

Assembly Bill No. 501, above reported, was referred to the Santa Clara delegation.

On motion of Mr. Gibbons, the rules were suspended, and Senate Bills Nos. 548 and 570 were taken up for consideration.

Senate Bill No. 570.

Amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 548.

Amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Lewis, the special order, being the consideration of Assembly Bill No. 182, and the several Senate bills relating to railroad fares and freights, was postponed until one o'clock and thirty minutes P. M. to-day.

Mr. Craig submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, March 15th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 538—An Act to regulate the fees and compensation of the Sheriff of the County of Sacramento.

CRAIG, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By the Committee on Corporations—An Act to amend section two thousand nine hundred and six of the Political Code.

Read first and second times and ordered on the general file.

By Mr. Tuttle—An Act to amend the Political Code of the State of California.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time, passed, and ordered to the Assembly without engrossment and out of its order.

By Mr. McCarthy—An Act to provide additional records in the County Clerk's office in the City and County of San Francisco, and to renew certain records therein.

Read first and second times and referred to the Judiciary Committee.

By Mr. Edgerton—An Act entitled an Act relative to the government of Sacramento.

Read first and second times and referred to the Sacramento delegation.

Also, an Act to amend subdivision one of section two hundred and fifty-nine of the Code of Civil Procedure.

By Mr. Bush—An Act to amend section three hundred and seventeen of the Penal Code, and to add a new section to said Code.

Each of the above bills read first and second times and referred to the Judiciary Committee.

By Mr. McCune—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four.

Read first and second times and referred to the Yolo delegation.

Mr. Angney submitted a report as follows:

MR. PRESIDENT: The Finance Committee have considered Assembly Bill No. 317—An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six—and recommend its passage.

ANGNEY, Chairman.

Rules suspended, and the bill above reported taken up for consideration.

Considered in Committee of the Whole.

Read third time and passed.

#### SPECIAL ORDER.

The special order set for eleven o'clock was now taken up, being Senate Bill No. 103—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose.

Amendments adopted in Committee of the Whole concurred in.

Section one amended, on motion of Mr. Craig.

Amendments were offered by Messrs. Craig, Martin, and Laine.

Mr. Lewis moved to postpone the hour of recess until the bill under consideration was disposed of.

Lost.

#### RECESS.

At twelve o'clock and thirty minutes p. m. the Senate took a recess.

#### RE-ASSEMBLED.

At one o'clock and thirty minute p. m. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

Mr. Hopkins, by leave, introduced a bill as follows: An Act to amend section three hundred and four of the Civil Code.

Read first and second times and referred to the Judiciary Committee.

On motion of Mr. Rogers, the special order set for one o'clock and thirty minutes p. m. was postponed until Senate Bill No. 103, under consideration at the hour of recess, was disposed of.

The bill was again considered in Committee of the Whole.

Mr. Craig submitted a report as follows :

SENATE CHAMBER.

SACRAMENTO, March 16th, 1876.

MR. PRESIDENT: Your Committee on Engrössment have examined and find correctly engrossed Senate Bill No. 373—An Act to establish a State force for the detection and arrest of criminals.

Also, Senate Bill No. 476—An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three.

Also, Senate Bill No. 270—An Act to add an additional section to the Penal Code, to be designated as section two hundred and fifty-eight.

Also, Senate Bill No. 276—An Act to compel the retraction of false or defamatory articles in newspapers or serial publications.

CRAIG, for Committee.

Senate Bill No. 571, reported from the Assembly with an amendment, was taken up, on motion of Mr. Tuttle.

Amendment concurred in, and the bill ordered enrolled out of its order.

Senate Bill No. 103, reported from the Committee of the Whole with amendments.

Amendments concurred in.

Section three was amended, on motion of Mr. Martin.

Mr. Bartlett offered the following amendments: Amend section one by adding thereto the following words: "But before either set of Commissioners created by this Act shall enter into any contract for the purchase of water, water-rights, appurtenances, or sources of water supply, or the purchase thereof shall be consummated, the question shall be submitted to a vote of the qualified electors of said city and county at a general election. The words to be written or printed on one set of ballots shall be: 'The purchase of water-rights—Yes;' and on the other: 'The purchase of water-rights—No;' and the majority of the votes cast at such election shall be final and conclusive upon the question for that election. The Board of Supervisors shall make all necessary provisions and regulations for submitting the question to the vote of the electors, and shall require the order or ordinance submitting the question to a vote of the electors to be published in the daily papers published in said city and county for at least thirty days previous to the day of election. The order shall state the property to be acquired and the price to be paid for the same, and whether in cash or bonds of the city and county."

Lost.

Amend section fifteen, first line, sixth page, by striking out "thirty" and inserting "sixty."

Lost.

Amend section fifteen, fourth line, by striking out "thirty" and inserting "sixty."

Lost.

Mr. Rogers moved a suspension of the rules, to consider the bill engrossed and place it on its third reading and passage.

On which the ayes and noes were demanded by Messrs. Laine, Gibbons, and Angney, and the motion prevailed, by a vote as follows:

AYES—Messrs. Craig, Eakin, Edgerton, Evans, Farley, Flint, Graves, Hill, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Turner, and Tuttle—25.

NOES—Messrs. Angney, Bartlett, Benzell, Bush, Donovan, Fraser, Gibbons, Hilborn, Laine, Lindsey, and McCune—11.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs Gibbons, Edgerton, and Hill, and it passed, by a vote as follows:

AYES—Messrs. Craig, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Graves, Hill, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Turner, and Tuttle—26.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Gibbons, Hilborn, Laine, Lindsey, and McCune—10.

The bill was ordered engrossed immediately and out of its order.

On motion of Mr. Edgerton, Mr. Haymond was granted indefinite leave of absence, on account of sickness.

Mr. Howe submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, March 16th, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 541—An Act to amend an Act entitled an Act to separate the office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six.

Also, Senate Bill No. 455—An Act to prevent hogs and goats running at large in certain lands in this State.

Also, Senate Bill No. 473—An Act to widen English street, in the City of Petaluma, and to take private property therefor.

Also, Senate Bill No. 495—An Act relating to acknowledgments of deeds and other instruments in writing affecting real estate, taken before consular agents of the United States prior to July first, eighteen hundred and seventy-four.

Also, Senate Bill No. 555—An Act to amend section eighteen of an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six.

HOWE, for Committee.

On motion of Mr. Lewis, the rules were suspended, and Assembly Bill No. 317 ordered transmitted to the Assembly.

Mr. Edgerton, by leave, introduced a bill as follows: An Act to amend section five hundred and forty-two of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

On motion of Mr. Edgerton, the special order set for one o'clock and thirty minutes p. m., being Senate Bill No. 2, Senate Bill No. 58, and Assembly Bill No. 236, was postponed until Thursday, the twenty-third instant, at the same hour.

#### SPECIAL ORDER.

Assembly Bill No. 182—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freight on the railroads in this State.

Senate Bill No. 332—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State.

Senate Bill No. 134—An Act to provide for the appointment of a Commissioner of Transportation, and to prevent extortions and discrimination in fares and freights on railroads within this State.

Senate Bill No. 319—An Act to amend the Civil Code.

Assembly Bill No. 182 was first taken up for consideration.

Mr. Farley moved that further consideration of the special order be continued until to-morrow, at one o'clock and thirty minutes p. m.

So ordered.



## Mr. McCarthy submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, March 16th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 398—An Act to extend the franchise granted to David Gerky and others to rebuild a wharf at Santa Cruz.

Also, Senate Bill No. 425—An Act to amend an Act entitled an Act to create the Eighteenth Judicial District, and for other purposes, approved February twentieth, eighteen hundred and seventy-two.

Also, Senate Bill No. 450—An Act relative to the publication of amendments to the Codes.

Also, Senate Bill No. 277—An Act to amend section one thousand eight hundred and nineteen of the Code of Civil Procedure.

Also, Senate Bill No. 484—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, alleys, lanes, courts, and places in said city, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 457—An Act to authorize the County Treasurer of El Dorado County to transfer certain funds.

Also, Senate Bill No. 225—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, Senate Bill No. 502—An Act to regulate the laying of gas and water pipes in the City of Oakland.

Also, Senate Bill No. 571—An Act to amend the Political Code of the State of California.

Also, Senate Bill No. 394—An Act amendatory of and supplementary to an Act entitled an Act to establish a quarantine in the Bay and Harbor of San Francisco, and sanitary laws for said City and County of San Francisco, approved April fourth, eighteen hundred and seventy.

And on this sixteenth day of March, eighteen hundred and seventy-six, at three o'clock and five minutes P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

## ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER.

SACRAMENTO, March 14th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 575—An Act to prevent hogs and goats from running at large in the Town of Sutter Creek, Amador County.

Also, on same date, passed Senate Bill No. 465—An Act concerning roads and highways in the County of San Joaquin.

Also, Senate Bill No. 396—An Act to incorporate the City of San Luis Obispo.

Also, Senate Bill No. 369—An Act amendatory of and supplementary to an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 450—An Act relative to the publication of the amendments to the Codes.

Also, Senate Bill No. 277—An Act to amend section one thousand eight hundred and nineteen of the Code of Civil Procedure.

Also, Senate Bill No. 425—An Act to amend an Act entitled an Act to create the Eighteenth Judicial District, and for other purposes, approved February twentieth, eighteen hundred and seventy-two.

Also, substitute for Senate Bill No. 435—An Act to amend an Act entitled an Act to reincorporate the City of Sonoma, approved April tenth, eighteen hundred and sixty-two, amended March twenty-sixth, eighteen hundred and seventy.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER.

SACRAMENTO, March 15th, 1876. }

MR. PRESIDENT: I am directed to inform you honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 664—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties in this State, and to provide a bounty for the same, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Stanislaus County.

Also, that the Assembly concurred in Senate amendments to Assembly Bills Nos. 536, 525, 320, and 440.

Also, that the Assembly refused to concur in Senate amendment to section nine of Assembly Bill No. 79, and the Speaker appointed Messrs. Samuels, Berry, and Wood, on the part of the Assembly, as a Committee on Conference.

Also, that the House refused to recede from its amendments to Senate Bill No. 275, the Speaker appointing Messrs. Carson, Archer, and Reddick, on the part of the Assembly, as a Committee on Conference.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )

SACRAMENTO, March 15th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 225—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 663—An Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment recovered against said county in the Sixth Judicial District, in and for Yolo County, in the State of California, on May sixth, eighteen hundred and seventy-five, approved March fourteenth, eighteen hundred and seventy-six.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )

SACRAMENTO, March 15th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March tenth, passed Assembly Bill No. 500—An Act to establish and maintain public roads in the County of Santa Cruz.

Also, on same date, passed Assembly Bill No. 585—An Act to repeal an Act entitled an Act relative to the office of District Attorney of the County of Sacramento, approved March fourth, eighteen hundred and seventy.

Also, on March eleventh, passed Assembly Bill No. 283—An Act to incorporate the Town of Anaheim.

Also, Assembly Bill No. 328—An Act for the relief of James W. Marshall.

Also, Assembly Bill No. 443—An Act to amend section three hundred and ninety-seven of the Penal Code.

Also, Assembly Bill No. 457—An Act to legalize certain notarial acknowledgments in Napa County.

Also, Assembly Bill No. 422—An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to the time when the County Treasurer of Modoc County shall make his settlement.

Also, Assembly Bill No. 513—An Act to repeal an Act entitled an Act to incorporate the Town of Menlo Park, in the County of San Mateo, approved March twenty-third, eighteen hundred and seventy-four.

Also, Assembly Bill No. 526—An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County.

Also, Assembly Bill No. 541—An Act to enable the Trustees of Spring School District, in Los Angeles County, to raise a sufficient sum, by taxation, to furnish the necessary additional school facilities for said district.

Also, Assembly Bill No. 613—An Act to provide for the building of a school-house in Meridian School District, in the County of Sutter, State of California.

Also, Assembly Bill No. 627—An Act to fix the terms of the County and Probate Courts in and for the County of Amador.

Also, Assembly Bill No. 583—An Act to repeal an Act entitled an Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, on March fourteenth, passed Senate Bill No. 457—An Act to authorize the County Treasurer of El Dorado County to transfer certain funds.

Also, on this date, passed Senate Bill No. 502—An Act to regulate the laying of gas and water pipes in the City of Oakland.

Also, Senate Bill No. 484—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in the said city, approved April fourth, eighteen hundred and sixty-four.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )

SACRAMENTO, March 15th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under a suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 463—An Act to utilize the prison labor and govern the House of Correction of the City and County of San Francisco.

Also, Assembly Bill No. 488—An Act to change and modify the grade and to provide for the

grading and regrading of certain portions of Montgomery Avenue, and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco.

Also, Senate Bill No. 566—An Act supplementary to an Act entitled an Act to authorize John Hoagland and others to sue the City of Sacramento, approved March eleventh, eighteen hundred and seventy-six.

CAYLAT, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 16th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 636—An Act to provide funds for road purposes in the County of San Luis Obispo.

Also, on this date, amended and passed Senate Bill No. 571—An Act to amend the Political Code of the State of California.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 16th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 394—An Act amendatory of and supplementary to an Act entitled an Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco, approved April fourth, eighteen hundred and seventy.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 16th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March eleventh, passed Assembly Bill No. 418—An Act to authorize the corporation of the City of Los Angeles to issue bonds for building a main public sewer in said city, and to provide for their payment.

Also, Assembly Bill No. 550—An Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

Also, Assembly Bill No. 565—An Act amendatory of and supplementary to an Act entitled an Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo, approved March twenty-ninth, eighteen hundred and seventy.

Also, Assembly Bill No. 564—An Act fixing the salaries and compensation of certain officers of San Luis Obispo County.

Also, Assembly Bill No. 502—An Act to authorize the President and Secretary of the Exempt Fire Company of the City and County of San Francisco to administer oaths in certain cases.

Also, Assembly Bill No. 495—An Act to amend section five hundred and thirty-two of the Penal Code.

Also, Assembly Bill No. 510—An Act to prevent the destruction of timber on lands belonging to the State of California.

Also, Assembly Bill No. 506—An Act to repeal section three thousand four hundred and eight of the Political Code.

Also, Assembly Bill No. 462—An Act to provide for the construction of a wagon road from Grizzly Bluff to Camp Grant, in Humboldt County.

Also, Assembly Bill No. 420—An Act concerning lodging-houses and sleeping apartments within the limits of incorporated cities.

Also, Assembly Bill No. 558—An Act to authorize the City of Oakland to condemn certain lands for wharf and other purposes.

Also, Assembly Bill No. 623—An Act relating to road districts and Road Overseers in the County of Sierra.

Also, on March thirteenth, passed Assembly Bill No. 415—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County.

Also, on same date, passed Assembly Bill No. 532—An Act to amend section one hundred and ninety-eight of the Code of Civil Procedure.

Also, on March fifteenth, passed Senate Bill No. 565—An Act to authorize the Board of Trustees of the City of Sacramento to levy taxes for city purposes.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 16th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March eleventh, passed Assembly Bill No. 459—An Act to fix the compensation of the Supervisors of San Bernardino County.

Also, Assembly Bill No. 537—An Act to ratify and confirm a certain conveyance made by the Board of Trustees of the City of San Diego.

And, on March thirteenth, passed Assembly Bill No. 361—An Act to amend the Political Code of the State of California, and to protect the health and regulate hours of labor of the street car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code.

Also, Assembly Bill No. 507—An Act to amend sections two hundred and fifty-eight and two hundred and fifty-nine of the Code of Civil Procedure, concerning Court Commissioners.

Also, Assembly Bill No. 570—An Act to legalize and make valid the transcribed records of San Benito County.

And, on March fourteenth, passed Assembly Bill No. 530—An Act to encourage the destruction of certain wild animals.

Also, Assembly Bill No. 546—An Act to appropriate funds for the relief of the several orphan asylums of this State.

Also, Assembly Bill No. 625—An Act to provide for the improvement of the public roads in Inyo County.

And, on March sixteenth, passed Assembly Bill No. 666—An Act supplemental to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four.

Also, Senate Bill No. 304—An Act to amend section one thousand five hundred and seventy-seven of the Political Code, in relation to the change of boundaries of school districts.

Also, Senate Bill No. 459—An Act to provide for the collection of road poll-taxes in the County of Calaveras.

Also, Senate Bill No. 461—An Act requiring the Board of Trustees of the City of Sacramento to appoint an expert.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 435, above reported, Assembly substitute concurred in.

Senate Bill No. 275, above reported, the Senate adhered to its refusal to concur in the Assembly amendment to the bill, and the Chair appointed Messrs. Beazell, McCarthy, and Evans, a Committee of Conference on the part of the Senate.

Assembly Bill No. 79, above reported, the Senate refused to recede from its amendment to the bill, and the Chair appointed Messrs. O'Connor, Donovan, and Angney, a Committee of Conference on the part of the Senate.

Assembly Bill No. 663, above reported, read first and second times, rules suspended, and, by general consent, read third time and passed.

Title amended.

Assembly Bill No. 513, above reported, read first and second times, rules suspended, and, by general consent, read third time and passed.

Assembly Bills Nos. 583, 526, 627, 541, 613, 666, 418, 565, 564, 462, 415, 575, and 636, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bills Nos. 459, 328, 585, and 570, above reported, each read first and second times and ordered on the general file.

Assembly Bills Nos. 457, 443, 422, 537, 558, 507, 502, 495, and 506, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 283 and 550, above reported, each read first and second times and referred to the Committee on Corporations.

Assembly Bills Nos. 500, 625, and 623, above reported, each read first and second times and referred to the Committee on Roads and Highways.

Assembly Bills Nos. 510, 664, and 530, above reported, each read first and second times and referred to the Committee on Agriculture.

Assembly Bills Nos. 463, 488, and 361, above reported, each read first and second times and referred to the San Francisco delegation, and Assembly Bill No. 463 ordered printed.



Assembly Bill No. 546, above reported, read first and second times and referred to the Committee on Finance.

Assembly Bill No. 420, above reported, read first and second times and referred to the Committee on Public Morals.

Assembly Bill No. 532, above reported, read first and second times, rules suspended, and, by general consent, read third time, and passed.

Mr. Farley, for the delegation, verbally reported Senate Bill No. 561—An Act to extend the time for selling property for delinquent taxes in the County of Alpine—recommending its passage.

Rules suspended, and the bill taken up for consideration.

Considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Mr. Craig submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, March 16th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 486—An Act to aid in the construction of a levee and ditch to protect the grounds of the Insane Asylum at Stockton from overflow and inundation.

CRAIG, for Committee.

On motion of Mr. McCoppin, Senate Bill No. 477 was ordered to the head of the general file for to-morrow.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Angney—An Act to provide for partition fences in certain cases.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hendricks—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Hill—An Act in relation to Swamp Land Districts Numbers Two Hundred and Two, Two Hundred and Four, Two Hundred and Forty-six, and Two Hundred and Forty-seven.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Tuttle—An Act amendatory of and supplementary to an Act entitled an Act to establish a State Printing Office, and to create the office of Superintendent of State Printing.

Read first and second times and referred to the Committee on Finance.

Senate Bill No. 490 was ordered second on the general file for to-morrow.

#### ADJOURNMENT.

At five o'clock and twenty minutes p. m., on motion of Mr. Tuttle, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,

Friday, March 17th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

On motion of Mr. Rogers, the rules were suspended, and Senate Bill No. 568 taken up for consideration.

Senate Bill No. 568—An Act for the relief of John Parnell, James Byrnes, and Patrick Ryan.

Rules suspended, considered engrossed, read third time, and passed.

## REPORTS OF STANDING COMMITTEES.

Reports were submitted as follows:

By Mr. Tuttle:

MR. PRESIDENT: Your Committee on Education have had under consideration Assembly Bill No. 224—An Act to repeal an Act entitled an Act to make women eligible to educational offices—herewith report the same back, without recommendation.

Also, Assembly Bill No. 113—An Act to repeal an Act entitled an Act to enforce the educational rights of children—herewith report the same back, and a majority recommend that it do not pass.

Also, Assembly Bill No. 205—An Act to amend section one thousand seven hundred and fifty-one of the Political Code—herewith report it back, and recommend that it do not pass.

Also, Assembly Bill No. 147—An Act to amend section one thousand seven hundred and fifty of the Political Code—herewith report the same back, and recommend that it do not pass.

Also, Senate Bill No. 141—An Act to amend sections one thousand five hundred and forty-three and one thousand five hundred and seventy-eight of the Political Code, relating to public schools—herewith report the same back, and recommend that it do not pass.

TUTTLE, Chairman.

By Mr. Graves:

SENATE CHAMBER,

SACRAMENTO, March 17th, 1876. }

MR. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District; and

Senate Bill No. 9—An Act to provide a system of irrigation in the Counties of Fresno, Tulare, and Kern; and

Senate Bill No. 514—An Act in relation to irrigation—herewith report said bills back, without recommendation.

The reason for reporting the above bills without recommendation is, that the time allotted to the committee within which to report said bills was too short to enable the committee to fully consider the important legal questions involved and arrive at a satisfactory conclusion.

GRAVES, for Committee.

By Mr. O'Connor:

MR. PRESIDENT: The Committee on Claims, to whom was referred Assembly Bill No. 465—An Act for the relief of N. A. Covarrubias, Sheriff of Santa Barbara County—would report the bill back, and recommend its passage.

Also, Assembly Bill No. 421—An Act for the relief of Elijah True—report the bill back, with an amendment, and would respectfully recommend the adoption of the amendment and the passage of the bill as amended.

O'CONNOR, Chairman.

Assembly Bill No. 465, above reported, taken up under a suspension of the rules, read third time, and passed.

By Mr. Hill:

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Bill No. 450—An Act to protect agriculture, and to prevent the trespassing of animals upon private prop-

erty in the County of San Diego—have had the same under consideration, and herewith respectfully report the bill back, and recommend its passage.

Also, Assembly Bill No. 399—An Act concerning goats in the County of Mariposa—and herewith report the same back, and recommend that it do not pass.

HILL, Chairman.

Assembly Bill No. 450, above reported, taken up under a suspension of the rules, read third time, and passed.

By Mr. Flint:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 210—An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four—ask leave to report the same back, and recommend its passage.

FLINT, for Committee.

Rules suspended, and the bill above reported taken up, read third time, and passed.

#### REPORTS OF SELECT COMMITTEES.

By Mr. Tuttle:

MR. PRESIDENT: The delegation from Sonoma have considered Senate Bill No. 540—An Act to authorize the erection and maintenance of a draw-bridge across Petaluma Creek, in the City of Petaluma—herewith report the same back, and recommend its passage.

TUTTLE AND HILL, Delegation.

By Mr. McCune:

MR. PRESIDENT: The Yolo delegation, to whom was referred Senate Bill No. 575—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate fees and salaries thereof—report the same back, and recommend its passage.

McCUNE, for Delegation.

Rules suspended, and the bill above reported taken up, considered engrossed, read third time, and passed.

Mr. Gibbons, for the delegation, verbally reported Assembly Bill No. 666—recommending its reference to the Committee on Corporations.

So ordered.

On motion of Mr. Howe, the rules were suspended, and Senate Bill No. 430 taken from the general file for consideration.

Senate Bill No. 430—An Act for the relief of George Green and James Smith, of the City and County of San Francisco.

Rules further suspended, considered engrossed, read third time, and passed, and with Senate Bill No. 568, heretofore passed, ordered to the Assembly immediately without engrossment.

On motion of Mr. Spencer, the rules were suspended, and Assembly Bill No. 633 taken from the general file for consideration.

Assembly Bill No. 633—An Act to define the boundary and provide for the government of Levee District Number Two, of Sutter County.

Amendments concurred in.

Read third time and passed.

Mr. Bush, for the delegation, verbally reported Assembly Bill No. 418—An Act to authorize the corporation of the City of Los Angeles to issue bonds for building main public sewers in said city and county—recommending its passage.

Rules suspended, read third time, and passed.

Also, Assembly Bill No. 541—An Act to enable the Trustees of Spring School District, of Los Angeles County, to raise a sufficient

sum, by taxation, to furnish the necessary additional school facilities for said district—recommending its passage.

Rules suspended, read third time, and passed.

Mr. Turner, for the delegation, verbally reported Assembly Bill No. 623—An Act relating to road districts and Road Overseers in the County of Sierra—recommending its passage.

Rules suspended, read third time and passed.

Mr. Lewis, for the delegation, verbally reported Assembly Bill No. 563—An Act to amend section twenty-one of an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa—recommending its passage.

Rules suspended, read third time, and passed.

By Mr. Graves:

MR. PRESIDENT: The Santa Barbara delegation report back Assembly Bill No. 466—An Act authorizing the Board of Trustees of Lompoc School District, in Santa Barbara County, to issue bonds to build public school-houses—and recommend its passage.

W. J. GRAVES.

Rules suspended, and the bill above reported taken up, read third time, and passed.

By Mr. McGarvey:

MR. PRESIDENT: The Humboldt delegation, to whom was referred Assembly Bill No. 526—An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County—have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee on Commerce and Navigation; and that they be requested to inquire into the question as to whether the erection of such boom will prove injurious to the navigation of Humboldt Bay.

McGARVEY, for Delegation.

The bill was so referred.

By Mr. Bush:

MR. PRESIDENT: The Hospital Committee, to whom was referred Senate Bill No. 549—An Act to regulate the practice of medicine in the State of California—have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

BUSH, Chairman.

#### GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 14th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 181—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over.

Also, Senate Bill No. 353—An Act to amend an Act entitled an Act concerning roads and highways, in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 16th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 54—An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs.

Also, substitute for Senate Bill No. 104—An Act to add another article to Chapter I., Title I., of Part III. of the Civil Code, to be designated as Article III.

Also, Senate Bill No. 185—An Act to amend the Civil Code.

Also, Senate Bill No. 245—An Act to repeal an Act to exempt firemen in Nevada, Placer, El Dorado, Santa Clara, Solano, Sonoma, Alameda, and Siskiyou Counties from the payment of poll-tax, approved March twenty-seventh, eighteen hundred and seventy-four.



Also, Senate Bill No. 251—An Act to amend section two thousand and twenty-one of the Code of Civil Procedure.

Also, substitute for Senate Bill No. 252—An Act to amend section one thousand and fifty-five of the Political Code.

Also, Senate Bill No. 256—An Act to protect sea-gulls in the neighborhood of Santa Monica.

Also, Senate Bill No. 309—An Act to amend section one thousand five hundred of the Code of Civil Procedure.

Also, Senate Bill No. 310—An Act to amend section eight hundred and forty-three of the Political Code.

Also, Senate Bill No. 316—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma.

Also, substitute for Senate Bill No. 343—An Act to amend an Act, approved February seven-teenth, eighteen hundred and seventy-four, entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant.

Also, Senate Bill No. 350—An Act to amend an Act entitled an Act relating to streets and roads in the City and County of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 417—An Act to amend the fifty-ninth section of the Code of Civil Procedure.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, March 15th, 1876. J

*To the Senate of the State of California:*

I herewith respectfully return to your honorable body Senate Bill No. 249—An Act concern-  
ing St. Luke's Hospital Association—without approval.

St. Luke's Hospital Association is a corporation formed under a general law, passed in pur-  
suant of the first clause of section thirty one, Article IV., of the Constitution of the State,  
which is as follows:

"Corporations may be formed under general laws, but shall not be created by special Act,  
except for municipal purposes."

Language could not be more explicit in declaring that corporations, except for municipal pur-  
poses, can be formed only under general laws. The Legislature is expressly inhibited from  
forming corporations, other than municipal, by special Act. If this Act, then, proposed to *form*  
a corporation, there would be no question that it would be void, though it should pass through  
all the stages of legislation, for the want of constitutional sanction. The violation of the con-  
stitution would be so palpable and flagrant that no one could fail to see it.

But does it any the less violate the Constitution because it proposes to do by indirection what  
the Constitution forbids to be done directly?

No private corporation can be formed but under general laws; all special Acts for the purpose  
would be void for conflict with the clause of the Constitution above quoted. But such corpora-  
tion being formed under general laws—the corporate entity being already in existence, as in the  
case of the St. Luke's Hospital Association—is it competent for the Legislature to take this cor-  
poration, and, by special Act, endow it with new powers, enlarge its rights and franchises? If  
this may be done, what will it avail that the Constitution forbids the creation of private corpo-  
rations by special Act?

The inhibition in the Constitution against the creation of private corporations by special Act  
was placed there for a two-fold purpose:

*First.*—That the charters of corporations might not, under any circumstances or in any event,  
contain the elements of a contract. Preserved from partaking of this character, they would  
always be subject to change, modification, or overthrow by subsequent legislation. Thus the  
legislative power would always be, theoretically at least, superior to the corporations of its own  
creation. If private corporations, however, should be recognized as existing by virtue of con-  
tracts, as those formed by special Acts had been, they would become, both in law and fact, super-  
rior to the power from which they had derived their being.

*Second.*—That all corporations formed for the same purpose should possess precisely the same  
rights, powers, and privileges, and be subject to like disabilities and burdens.

It was to accomplish these purposes that the clause in the Constitution forbidding the forma-  
tion of corporations, except under general laws, was introduced. If, however, the Legislature  
may, when once a corporation has been formed under general laws, endow it with new powers  
by special Act, what forbids that such corporation should acquire rights and powers as inimical  
to the interests or liberties of the people, and as much beyond legislative control, as if the powers  
had been conferred in a special Act creating the corporation; and what forbids that two corpo-  
rations, formed under the same general laws, for the same purposes, ostensibly, should be  
endowed with wholly diverse rights and powers, and be subjected to the most unequal burdens  
and disabilities? In fact, if we admit that the Legislature, though it cannot create private  
corporations by special Act, may, after they are formed, confer on them by such Act new powers,  
or enlarge or modify those which they already have, we throw wide open the doors to legisla-  
tion which must defeat the very purposes for which the creation of private corporations by  
special Act is forbidden.

But however clear, or conclusive even, the reasoning may be against this exercise of power by  
the Legislature, it is fortunate that we are not compelled to rely on argument alone in our oppo-

sition. I am happy to know that the view here presented is supported by not only the reasoning but the authority also of our Supreme Court. In the case of *The City and County of San Francisco v. The Spring Valley Water Company*, the Court held that corporations in this State, except for municipal purposes, must not only be formed under general laws, but could exercise no powers except such as are conferred by these general laws. Thus the clause of the Constitution which I have been considering has already received a judicial construction by the highest tribunal in the State, and that construction is fatal to the constitutionality of the bill now returned without approval.

But if the bill were not objectionable on account of a repugnancy to the Constitution, it would still be doubtful if it ought to receive legislative sanction. Its object is to endow a corporation, formed for charitable purposes, with a capacity to take and hold real and personal property left to the corporation by will. It is a question which addresses itself to considerations of public policy, as to how far corporations of any kind ought to be permitted to go in holding or dealing in real estate. The policy in this State has been to restrict corporations in their right to hold real estate to the possession of such parcels thereof as might be necessary in prosecuting the business for which they were formed. And my own opinion is, that it is against sound public policy that this rule should be departed from. I do not think any corporation ought to be formed, or ought to exist, to operate in real estate; nor do I think any corporation, formed for any other purpose, ought to be permitted to hold any more real estate than is necessary for the reasonable and convenient transaction of its business; nor should any corporation be allowed to deal in real estate, except to the extent that such dealing may be a necessary and unavoidable incident in the prosecution of the business for which the corporation was formed. Holding these views, I seriously doubt whether any corporation should be endowed with the capacity to take real estate by will. And were not the bill now returned obnoxious to constitutional objection, as it is, I would hesitate long before giving it my approval. My judgment is against allowing any corporation, of whatever kind, to hold more real estate than may be necessary for the reasonable and convenient transaction of the business for which it was formed.

WILLIAM IRWIN, Governor.

On motion of Mr. Bartlett, the further reading of the message was dispensed with.

Upon the question, "Will the Senate pass the bill, notwithstanding the objections of the Governor?" the roll was called, and the Senate refused to pass the bill, by a vote as follows:

AYES—Mr. Turner—1.

NOES—Messrs. Anguey, Bartlett, Beazell, Bush, Craig, Eakin, Evans, Farley, Fraser, Gibbons, Graves, Hilborn, Hill, Hopkins, Howe, Latine, Lindsey, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, and Tuttle—31.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gibbons—An Act to consolidate the City of Oakland and the Town of Alameda.

Read first and second times and referred to the Committee on Corporations.

By Mr. Tuttle—An Act to amend an Act entitled an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

Read first and second times and ordered on the general file.

By Mr. McCune—An Act for the establishment and maintenance of a branch county jail in the County of Solano.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. McGarvey—An Act to amend section three thousand four hundred and sixty-six of the Political Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. McCarthy—An Act to authorize George K. Porter to sue the State.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Hendricks moved a suspension of the rules, to take from the general file Senate Bill No. 399, that the bill be recommitted to the Committee on Finance.

The bill was so referred.

Mr. Gibbons offered a concurrent resolution in reference to authorizing the Governor to appoint a Commission, consisting of two hold-over Senators and one member of the Assembly, to prepare and report to the next Legislature a system of revenue laws for the State, etc.

Ordered on the general file.

Mr. Evans offered a resolution as follows:

*Resolved*, That the Secretary of the Senate be authorized and required to prepare two files: one a special file, on which he shall place all bills of a local or special character; and one a general file, on which shall be placed all bills of a general character.

*Resolved, further*, That the Senate will, on Monday, March twentieth, hold a session from ten o'clock A. M. until five o'clock P. M., exclusive of the hour of recess now provided for; at which session the ordinary business of the day shall be attended to, and bills on the general file be considered; and that the Senate shall hold an evening session on said day, commencing at seven o'clock and thirty minutes P. M., at which session the bills on the special file shall be considered to the exclusion of all other business, except messages from the Governor and from the Assembly.

*Resolved, further*, That this order shall continue and be in force during each remaining day of the present session, unless otherwise ordered by the Senate.

Adopted.

#### GENERAL FILE.

Senate Bill No. 477—An Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall.

On concurring in the amendments adopted in Committee of the Whole, the ayes and noes were demanded by Messrs. McCarthy, Nunan, and Craig, and they were concurred in, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Eakin, Evans, Fraser, Graves, Hill, Howe, Laine, Lindsey, McCoppin, McCune, McGarvey, Montgomery, O'Connor, Pierson, Roach, Rogers, Satterwhite, Spencer, Turner, and Tuttle—24.

NOES—Messrs. Beazell, Hopkins, Lewis, Martin, McCarthy, and Nunan—6.

On motion of Mr. Rogers, the rules were suspended, the bill considered engrossed, and placed on its third reading and passage.

Read third time and passed, and ordered engrossed out of its order.

#### SPECIAL ORDER.

On motion of Mr. Lindsey, that part of the special order set for twelve o'clock M. to-day, relating to Senate Bills Nos. 9, 80, and 233, was postponed until to-morrow, at eleven o'clock A. M., and subsequently Assembly Bill No. 73 was included in such special order.

Senate Bill No. 481 was taken up for consideration.

Mr. McGarvey moved that the bill be ordered at the head of the general file for to-morrow.

Agreed to.

## GENERAL FILE RESUMED.

Senate Bill No. 490—An Act granting further power to the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Amendments adopted in Committee of the Whole concurred in.

Mr. Bartlett moved to indefinitely postpone the bill.

At twelve o'clock and thirty minutes P. M. Mr. Bartlett moved to temporarily postpone the recess until the bill under consideration was disposed of.

So ordered.

On the motion to indefinitely postpone Senate Bill No. 490, the ayes and noes were demanded by Messrs. Craig, Nunan, and McCoppin, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Edgerton, Gibbons, Hilborn, Hill, Laine, Lindsey, McCune, McGarvey, O'Connor, Pierson, Rogers, and Tuttle—14.

NOES—Messrs. Craig, Donovan, Fraser, Hopkins, Howe, Martin, McCarthy, McCoppin, Montgomery, Nunan, Roach, and Turner—12.

Mr. Rogers gave notice of a motion to reconsider the vote by which the bill was indefinitely postponed, stating that he did so at the request of Mr. Nunan.

## RECESS.

At twelve o'clock and fifty minutes P. M., on motion of Mr. Hilborn, the Senate took a recess until two o'clock P. M.; and the special order set for one o'clock and thirty minutes P. M. was postponed until two o'clock P. M., on motion of Mr. Pierson.

## RE-ASSEMBLED.

At two o'clock P. M. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

Bills were introduced, by leave, as follows:

By Mr. Evans—An Act to enable the City of Stockton to redeem its bonds falling due during the year eighteen hundred and seventy-six.

Read first and second times and referred to the San Joaquin delegation.

By Mr. Gibbons—An Act to facilitate the construction of a canal for the improvement of Oakland Harbor.

Read first and second times and referred to the Committee on Corporations.

By Mr. Edgerton—An Act to amend an Act levying a tax for State purposes for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof.

Read first and second times and referred to the Committee on Finance.

Also, an Act to amend an Act entitled an Act to regulate the fees of office and to fix the compensation of the county officers of the County of Sacramento.

Read first and second times and referred to the Sacramento delegation.



Mr. Gibbons, for the delegation, verbally reported Assembly Bill No. 417—An Act to amend the Political Code, in reference to the boundary of Alameda County—recommending its reference to the Committee on Counties and County Boundaries.

So referred.

Mr. Flint submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, March 17th, 1876. }

MR. PRESIDENT: Your Committee on Engraving have examined and find correctly engrossed Senate Bill No. 103—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose.

FLINT, for Committee.

By Mr. McCarthy:

SENATE CHAMBER,  
SACRAMENTO, March 17th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 472—An Act to appropriate money for the purpose of insuring the State Printing Office.

Also, Senate Bill No. 135—An Act to amend an Act entitled an Act to abate the squirrel nuisance in certain counties of the State, approved March tenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 465—An Act concerning roads and highways in the County of San Joaquin.

And on this seventeenth day of March, eighteen hundred and seventy-six, at two o'clock p. m., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

#### SPECIAL ORDER.

Friday, March seventeenth, at two o'clock p. m. Assembly Bill No. 182—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads in this State.

Senate Bill No. 332—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State.

Senate Bill No. 134—An Act to provide for the appointment of a Commissioner of Transportation, and to prevent extortions and discrimination in fares and freights on railroads within this State.

Senate Bill No. 319—An Act to amend the Civil Code.

Assembly Bill No. 182 taken up first for consideration.

At four o'clock and five minutes p. m. Mr. Lewis moved to adjourn. Lost.

On motion of Mr. Farley, the special order, being Assembly Bill No. 182 and the other bills in relation to railroad matters, was postponed until ten o'clock a. m. to-morrow.

#### GENERAL FILE.

Senate Bill No. 439—An Act to appropriate the sum of eight thousand dollars to make certain repairs on the State Normal School and to provide furniture therefor.

Read third time and passed.

Rules suspended, and the bill ordered to the Assembly out of its order.

Mr. Angney submitted a report as follows:

MR. PRESIDENT: The Committee on Public Lands, to whom was referred Senate Bill No. 389—An Act to cancel certain applications for the purchase of land of this State—have considered the same, and report back a substitute, and recommend the passage of the substitute.

ANGNEY, Chairman.

Mr. Evans gave notice of a motion to reconsider the vote by which Senate Bill No. 477 was passed.

Mr. Craig submitted the following reports:

SENATE CHAMBER, }  
SACRAMENTO, March 17th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 395—An Act to authorize the Board of Supervisors of the City and County of San Francisco to fix and establish water rates.

CRAIG, for Committee.

SENATE CHAMBER, }  
SACRAMENTO, March 17th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 127—An Act to amend the Civil Code in relation to divorces.

Also, Senate Bill No. 437—An Act to amend section three thousand six hundred and forty-four of the Political Code.

Also, Senate Bill No. 431—An Act to amend an Act entitled an Act to provide for the building of a school-house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 557—An Act authorizing and directing the Secretary of State to change the size and style of enrolling paper.

Also, Senate Bill No. 563—An Act to amend section two thousand and twenty-five of the Code of Civil Procedure.

Also, Senate Bill No. 406—An Act for the relief of Mrs. T. M. Logan.

CRAIG, for Committee.

SENATE CHAMBER, }  
SACRAMENTO, March 17th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 505—An Act to provide revenue for the support of the government of this State.

CRAIG, for Committee.

#### ADJOURNMENT.

At four o'clock and fifteen minutes p. m., on motion of Mr. Lewis, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER, }  
Saturday, March 18th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

#### SPECIAL ORDER.

The special order set for ten o'clock a. m. was now taken up, being Assembly Bill No. 182 and other bills in relation to railroad fares and freights.

## PETITIONS.

Mr. Edgerton, by leave, presented petitions from eight thousand citizens of this State, petitioning for the enactment of a more stringent license law in reference to the sale of intoxicating liquors.

Received and referred to the Committee on Public Morals.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Edgerton—An Act to prevent the violation of the license law, and to punish all persons who shall sell or give away malt, spirituous, or intoxicating liquors without a license.

Also, an Act to amend the revenue law of the State of California, and to add additional sections thereto to provide for a Board of Excise, and delegating power to the Board of Supervisors of the several counties of the State to grant or withhold license to sell vinous, malt, and spirituous liquors.

By Mr. Howe—An Act to prevent the adulteration and drugging of spirituous and malt liquors, wine, cider, and all other articles of drink.

Each of the above bills were read first and second times and referred to the Committee on Public Morals.

Mr. McCoppin moved to reconsider the vote by which Senate Bill No. 477 passed on yesterday.

Mr. Pierson moved to indefinitely postpone the motion to reconsider.

Mr. Nunan moved to make the motion to reconsider a special order for Tuesday next, at half-past one o'clock p. m.

Lost.

On the motion to indefinitely postpone the motion to reconsider, the ayes and noes were demanded by Messrs. Nunan, Howe, and O'Connor, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Eakin, Edgerton, Evans, Fraser, Gibbons, Hendricks, Hilborn, Hull, Howe, Laine, Lindsey, McCoppin, McCune, McGarvey, Montgomery, O'Connor, Pierson, Roach, Rogers, Satterwhite, Spencer, Turner, and Tuttle—27.

NOES—Messrs. Donovan, Martin, McCarthy, and Nunan—4.

Mr. Craig moved that the special order for ten o'clock and thirty minutes a. m., being Senate Bill No. 305, be postponed until after the remarks of Senator Laine on Assembly Bill No. 182 and the other bills composing the special order for ten o'clock a. m.

So ordered.

On motion of Mr. McGarvey, the rules were suspended, and Senate Bill No. 493 taken from the general file, and referred to the Committee on Corporations.

On motion of Mr. Lindsey, the rules were suspended, and the special order set for eleven o'clock a. m. to-day, being Senate Bills Nos. 9, 80, 233, 514, and Assembly Bill No. 73, was postponed until Tuesday, the twenty-first instant, at one o'clock and thirty minutes p. m.

Mr. Nunan, by leave, moved to reconsider the vote by which Senate Bill No. 490 was indefinitely postponed on yesterday.

The vote was reconsidered and the bill ordered at the head of the general file for Tuesday next.

## SPECIAL ORDER.

The special order set for ten o'clock was now taken up, being Assembly Bill No. 182—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State;

Senate Bill No. 332—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State;

Senate Bill No. 134—An Act to provide for the appointment of a Commissioner of Transportation, and to prevent extortions and discrimination in fares and freights on railroads within this State; and

Senate Bill No. 319—An Act to amend the Civil Code.

## RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

## RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

## ASSEMBLY MESSAGES.

On motion of Mr. Rogers, Assembly messages were taken up.

## ASSEMBLY CHAMBER.

SACRAMENTO, March 17th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate immediately, Assembly Bill No. 647—An Act to fix the compensation of the Assessor of Los Angeles County for the collection of the tax on personal property.

Also, on same date, passed Senate Bill No. 333—An Act ratifying and confirming the action of the Board of Supervisors of Stanislaus County in employing special counsel in certain cases.

Also, on March sixteenth, passed Senate Bill No. 567—An Act to authorize the County Clerk of Alameda County to employ two additional deputies.

Also, on same date, amended and passed Senate Bill No. 178—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

O'NEIL, Assistant Clerk.

## ASSEMBLY CHAMBER,

SACRAMENTO, March 17th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March fourteenth, passed Assembly Bill No. 621—An Act to authorize the Mayor and Common Council of Salinas City to build a school-house in said city, to issue bonds therefor, and to provide for the payment of the same.

Also, on same date, passed Assembly Bill No. 642—An Act to provide for the government of the public schools of the City of Sacramento.

Also, on same date, passed Assembly Bill No. 662—An Act amendatory of and supplementary to an Act entitled an Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a school-house, approved March twentieth, eighteen hundred and seventy-four.

Also, on this date, passed Senate Bill No. 516—An Act to protect agriculture in the County of El Dorado.

Also, Senate Bill No. 517—An Act to prevent the catching of fish by seines, nets, or weirs in the San Antonio Creek, in the County of Alameda.

Also, on same date, passed Senate Bill No. 541—An Act to amend an Act entitled an Act to separate the office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six.



Also, Senate Bill No. 555—An Act to amend section eighteen of an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six.

Also, that the Assembly concurred in Senate amendments to Assembly Bill No. 221.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER.

SACRAMENTO, March 18th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March seventeenth, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 693.

Also, passed Senate Bill No. 379—An Act in relation to the manufacture of acids and explosive chemicals in the City and County of San Francisco, and other purposes.

Also, Senate Bill No. 339—An Act to amend section two thousand nine hundred and sixteen of the Political Code of the State of California, relating to wharves.

Also, Senate Bill No. 333—An Act to amend section three thousand three hundred and eighty-four of the Political Code.

Also, Senate Bill No. 324—An Act to prevent goats running at large in the Town of Folsom, County of Sacramento.

Also, Senate Bill No. 37—An Act to amend section two hundred and forty-three of the Penal Code.

Also, Senate Concurrent Resolution No. 29—Asking an appropriation to erect a light-house and fog-bell at Santa Monica, Los Angeles County.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER.

SACRAMENTO, March 18th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March seventeenth, passed Assembly Bill No. 137—An Act to protect fish in the County of Del Norte.

Also, Assembly Bill No. 393—An Act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and forty-seven of the Political Code, and to add additional sections thereto.

Also, Assembly Bill No. 473—An Act supplementary to an Act to amend an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Also, Assembly Bill No. 527—An Act to authorize the Board of Supervisors of the County of Inyo to sell the several county bridges across Owens River, and to authorize said bridges to be established as toll-bridges.

Also, Assembly Bill No. 531—An Act to amend section three hundred and seventy-four of the Penal Code.

Also, substitute for Assembly Bills Nos. 157 and 158—An Act to prevent wanton destruction of fish, and to provide penalties therefor.

Also, passed, under suspension of the rules, and ordered transmitted immediately to the Senate, Assembly Bill No. 688—An Act concerning the office of District Attorney of Santa Clara County.

Also, Assembly Bill No. 676—An Act to establish and define the powers and duties of the Board of Education of the City of Santa Rosa, Sonoma County.

Also, Assembly Bill No. 614—An Act entitled an Act to amend section three thousand three hundred and eighty of the Political Code of the State of California.

Also, on same date, passed Senate Bill No. 377—An Act authorizing the Treasurer of Butte County to transfer certain funds.

Also, Senate Bill No. 378—An Act to call in and pay registered warrants of Butte County.

Also, Senate Bill No. 405—An Act to add another section to the Civil Code.

Also, amended and passed Senate Bill No. 143—An Act to regulate contracts on behalf of the State, in relation to erections and buildings.

O'NEIL, Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 693, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bills Nos. 614, 473, and 393, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 527, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 531, above reported, read first and second times, rules suspended, read third time, and passed.

Substitute for Assembly Bills Nos. 157 and 158, and Assembly Bill No. 137, above reported, each read first and second times and referred to the Committee on Fish and Fisheries.

Assembly Bill No. 621, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bills Nos. 688, 647, 676, 642, and 662, above reported, each read first and second times, and referred to the delegations named in the bills.

Senate Bill No. 143, above reported, Assembly amendments concurred in.

Senate Bill No. 178, above reported, Assembly amendments concurred in.

Mr. Edgerton, by leave, reported from the Judiciary Committee, Senate Bill No. 572—An Act to amend subdivision one, section two hundred and fifty-nine of the Code of Civil Procedure—with amendments, recommending its passage.

Rules suspended, and the bill taken up for consideration.

Amendments adopted.

Considered engrossed, read third time, and passed.

Title amended.

Mr. McCoppin moved that Mr. Edgerton be added to the Committee on State Prisons, stating that he made the motion on account of the sickness of Senator Haymond, who requested his place on said committee to be filled by some other Senator.

So ordered.

Mr. Hilborn, for the Committee on Fish and Fisheries, verbally reported Senate Bill No. 39—An Act to repeal an Act entitled an Act for the preservation of seals or sea lions at and near the entrance to the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three; also, an Act entitled an Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals or sea lions at or near the entrance to the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six; also, to repeal section five hundred and ninety-nine of the Penal Code.

Also, Assembly Bill No. 182—An Act to amend an Act entitled an Act to provide for the restoration and preservation of fish in the waters of this State, approved April second, eighteen hundred and seventy.

Also, Assembly Bill No. 307—An Act to amend subdivision five of section six hundred and forty-two of the Political Code.

Also, Assembly Bill No. 308—An Act to amend section six hundred and thirty-seven of the Penal Code—recommending that the bills do not pass.

Mr. Hilborn, by leave, introduced the following bills from the Committee on Fish and Fisheries:

An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code;

Also, an Act to prevent the depositing of sawdust in the waters of this State.

Each of the above bills read first and second times and ordered on the general file, and printed.

Mr. Roach, by leave, submitted a report as follows:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 279—An Act to confirm the sales of certain lands made by the Commissioners appointed under the Act of the Legislature, approved May eighteenth, eighteen hundred and fifty-three, entitled an Act to provide for the sale of the interests of the State of California in the property within the water-line front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one, and the Act supplementary to and amendatory thereof, passed on the first day of May, eighteen hundred and fifty-five, and to release the title of the State to the same—have considered the same, and recommend the passage of the same as amended.

Also, Senate Bill No. 474—An Act to authorize the Board of Education of the City and County of San Francisco to sell certain school property, and to provide for the support of the common schools of said city and county—and recommend the passage of the same as amended.

Also, Senate Bill No. 52—An Act to provide for the opening and extending of Laedersdorff street, in the City and County of San Francisco—and recommend the passage of the same.

Also, have considered Senate Bill No. 480—An Act concerning the office of Collector of Licenses for the City and County of San Francisco—and have prepared a substitute therefor, and recommend the passage of the substitute.

ROACH, Chairman.

The rules were suspended, and Senate Bill No. 521, above reported, taken up for consideration.

Considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Mr. Bartlett submitted a minority report from the San Francisco delegation on Senate Bill No. 279, as follows:

MR. PRESIDENT: The undersigned, a minority of the San Francisco delegation, to whom was referred Senate Bill No. 279, dissents from the recommendation made by a majority of the delegation, that the bill, as amended, be passed, for the following reason, viz:

That the bill, as amended, grants to the claimants a certain portion of East street, in the City and County of San Francisco, and authority to the Board of State Harbor Commissioners to repurchase said portion of East street, at a price to be fixed by them.

The undersigned submits herewith communications from the Mayor, the City and County Attorney of San Francisco, and the attorney of the Board of State Harbor Commissioners, and asks that the bill, as amended, with the communications, be printed.

BARTLETT, for Minority of Delegation.

Mr. Bartlett moved that the bill and accompanying documents be printed.

So ordered.

Mr. Farley submitted a report as follows:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 460—An Act to revise an Act entitled an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government, approved March twenty-sixth, A. D. eighteen hundred and seventy-four—have had the same under consideration, report it back, with amendments, respectfully recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Assembly Bill No. 468—An Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, and also to change the name of Cañada street, in said town, to that of Ventura Avenue—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 590—An Act to facilitate the construction of a canal for the improvement of Oakland Harbor—report the same back, and recommend its passage.

Also, Assembly Bill No. 550—An Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same—report the same back, and recommend its passage.

Also, Senate Bill No. 584—An Act to consolidate the City of Oakland and the Town of Alameda—report the same back, and recommend its passage.

Also, Assembly Bill No. 666—An Act supplemental to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four—report the same back, and recommend its passage.

FARLEY, Chairman.

Assembly Bill No. 666, above reported, taken up for consideration, under a suspension of the rules.

Read third time and passed.

Senate Bill No. 460, above reported, taken up for consideration, under a suspension of the rules.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Edgerton, the rules were suspended, and Assembly Bill No. 585 taken from the general file and referred to the Sacramento delegation.

Mr. Spencer submitted the following report:

MR. PRESIDENT: The Sutter delegation, to whom was referred Assembly Bill No. 613—An Act to provide for the building of a school-house in Meridian School District, in the County of Sutter, State of California—have had it under consideration, and beg leave to report the same back, and recommend its passage.

SPENCER, for Delegation.

By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 321—An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten, of Placer County—have had the same under consideration, and herewith respectfully report the same back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

HILL, Chairman.

#### SPECIAL ORDER RESUMED.

Assembly Bill No. 182, and other bills relative to railroad matters.

Mr. Evans moved that the further consideration of the special order be postponed until Monday, the twentieth instant, at ten o'clock A. M., and that no final vote be taken on any of the bills composing the special order before Tuesday, the twenty-first instant.

Agreed to.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gibbons—An Act supplementary to an Act to authorize the City of Oakland to obtain a supply of water, passed March thirtieth, eighteen hundred and seventy-four.

Read first and second times and referred to the Committee on Corporations.

By Mr. Craig—An Act to amend certain sections, repeal certain sections, and to add new sections to the Political Code, relative to the State Printer.

Read first and second times and referred to the Judiciary Committee.

Also (by request), an Act to provide for the improvement of the navigation of Sonoma Creek.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Hendricks (by request)—An Act to amend an Act entitled an Act to amend an Act entitled an Act to locate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same, and other tide lands belonging to the State of California, to said City and County of San Francisco, for commercial purposes, and other matters relating thereto, approved March thirtieth, eighteen hundred and seventy-two, approved March eleventh, eighteen hundred and seventy-four.

Read first and second times and referred to the San Francisco delegation.



By Mr. McCarthy—An Act to amend an Act entitled an Act concerning street railroads, approved March twenty-ninth, eighteen hundred and seventy.

Read first and second times and referred to the San Francisco delegation.

By Mr. Lindsey—An Act to amend section six hundred and twenty-five of the Penal Code.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time and passed.

By Mr. Tuttle—An Act to amend certain sections of the Political Code, to repeal certain sections, and to add a new section thereto.

Read first and second times and ordered on the general file.

By Mr. Nunan—An Act for the relief of George H. Eggers and others.

By Mr. Donovan—An Act to amend section four of an Act entitled an Act repealing Article IV. of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV., approved April first, eighteen hundred and seventy-two.

Also, an Act entitled an Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a labor school in and for said city and county.

Each of the above bills read first and second times and referred to the San Francisco delegation.

By the Committee on Fisheries—An Act to amend section five hundred and ninety-nine of the Penal Code.

Read first and second times and ordered on the general file.

#### SPECIAL ORDER RESUMED.

Senate Bill No. 305—An Act to amend section five hundred and forty-nine of the Civil Code.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Roach, Rogers, and Nunan, and it passed, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Bush, Craig, Donovan, Edgerton, Evans, Flint, Fraser, Hendricks, Hibborn, Hill, Hopkins, Howe, Laine, Lindsey, Martin, McCarthy, McGoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Rogers, Satterwhite, Shirley, Spencer, Turner, and Tuttle—31.

NOES—Mr. Rogers—1.

Mr. Nunan gave notice of a motion to reconsider the vote by which the bill passed.

Mr. Howe submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, March 18th, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 477—An Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall.

HOWE, for Committee.

### By Mr. Hendricks:

MR. PRESIDENT: The Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 520—An Act to provide for the appointment of a State Assayer of Ores and Metals, and to define his duties—without seeing much good to result from the passage of the bill, yet without seeing evil in its workings, and no appropriation of money asked for under it, report the same back, with a majority recommendation that it do pass.

HENDRICKS, Chairman.

On motion of Mr. Craig, Senate Bills Nos. 39, 182, 307, 308, 596, and 597, in reference to fish interests, were made a special order for Friday, the twenty-fourth instant, at half-past eleven o'clock A. M.

### GENERAL FILE.

The rules were suspended, and the following bills taken up out of their order from the general file:

Assembly Bill No. 566—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several charters of the City of San Francisco, and to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six.

Mr. Donovan moved to recommit the bill to the San Francisco delegation.

Lost.

On motion of Mr. Rogers, the bill was referred to Senator McGarvey.

Senate Bill No. 416—An Act to provide for levying and collecting a tax in Levee District Number Five, Sutter County, and for paying the salaries due the State Board of Reclamation Fund Commissioners.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 492—An Act making appropriations for certain deficiencies in the appropriation for the twenty-sixth and twenty-seventh fiscal years.

Read third time and passed.

Assembly Bill No. 279—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco, approved March sixteenth, eighteen hundred and seventy-two.

Read third time and passed.

Assembly Bill No. 518—An Act concerning roads and highways in the County of Placer.

Read third time and passed.

Senate Bill No. 492—An Act supplementary to an Act, approved March thirtieth, eighteen hundred and seventy-four, and entitled an Act to abolish the Board of City Hall Commissioners, and to provide for the continuance of the construction of the City Hall of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco.

Referred to the San Francisco delegation.

Assembly Bill No. 102—An Act for the payment of the claim of Laura de Force Gordon against Swamp Land District Number Five.

Read third time and passed.

Senate Bill No. 491—An Act relating to fees and salaries of certain officers in Yuba County.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.  
Senate Bill No. 341—An Act to amend the Civil Code, concerning mortgages on growing crops.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

#### ASSEMBLY MESSAGE.

On motion of Mr. Bush, the following Assembly message was taken up:

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 18th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 670—An Act authorizing the relocation of certain school land warrants issued by the State of California.

Also, Assembly Bill No. 695—An Act to authorize the Board of Supervisors of Sutter County to redistrict North Butte, Buttesylvania, and Columbia School Districts.

Also, on same date, passed Assembly Bill No. 595—An Act to amend section nine hundred and eighty of the Code of Civil Procedure, concerning appeals to County Courts.

Also, Senate Bill No. 448—An Act to authorize the Supervisors of San Bernardino County to levy a tax to pay for the building of the Court-house.

Also, Senate Bill No. 360—An Act concerning the salary of the District Attorney of San Bernardino County.

Also, Senate Bill No. 486—An Act in relation to sales and conveyances of the Mutual Real Estate Company.

Also, amended and passed Senate Bill No. 57—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, passed Senate Bill No. 570—An Act to provide for the opening of streets in the Town of Alameda.

Also, Senate Bill No. 561—An Act to extend the time of selling property for delinquent taxes in the County of Alpine.

Also, on same date, passed Senate Bill No. 548—An Act to provide for the opening of streets in the City of Oakland.

Also, indefinitely postponed Senate Bill No. 486—An Act to aid in the construction of a levee and ditch to protect the grounds of the Insane Asylum at Stockton from overflow and inundation.

Also, that the Assembly concurred in Senate amendments to Assembly Bill No. 633.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 505, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 695, above reported, read first and second times and referred to the delegation named in the bill.

Assembly Bill No. 670, above reported, read first and second times and referred to the Committee on Public Lands.

Senate Bill No. 57, above reported, Assembly amendments concurred in.

#### ADJOURNMENT.

At three o'clock and forty-five minutes P. M., on motion of Mr. Bartlett, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Monday, March 20th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of Saturday last read and approved.

## INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Eakin—An Act to pay the claim of George W. Whitlock.

Read first and second times and referred to the Committee on Finance.

By Mr. Pierson—An Act defining the Third, Twelfth, and Fifteenth Judicial Districts.

Read first and second times and referred to the Judiciary Committee.

Also, an Act providing for building a railroad along Sixth street, from Townsend to Tennessee streets, and to construct a draw-bridge across Channel street, at its intersection with said Sixth street, in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Fraser—An Act to amend section three thousand three hundred and eighty-one of the Political Code.

Read first and second times and referred to the Committee on Public Morals.

By Mr. Hilborn—An Act to amend section six hundred and fifty-nine of the Civil Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Shirley (for the Prison Committee)—An Act to create a Board of State Prison Examiners.

Read first and second times and referred to the Committee on Finance.

By Mr. Gibbons—An Act amending an Act entitled an Act concerning corporations, approved April first, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Corporations.

## REPORTS.

Mr. Lewis submitted the following report:

MR. PRESIDENT: The Committee on Judiciary herewith report back Senate Bill No. 551—An Act to amend section three thousand eight hundred and twenty of the Political Code—and recommend its passage.

Also, herewith report back, Senate Bill No. 552—An Act to amend section three thousand eight hundred and twenty of the Political Code; and

Assembly Bill No. 286—An Act to amend section three thousand eight hundred and twenty of the Political Code—and recommend that they do not pass.

Also, Senate Bill No. 180—An Act to amend section eight hundred and one of the Code of Civil Procedure—and report the same back, with a substitute, and recommend the adoption and passage of the substitute.

Also, Senate Bill No. 208—An Act to amend section twelve hundred and fifty-four of the



Code of Civil Procedure, concerning the condemnation of private property for public use—and report the same back, with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 346—An Act to amend the Civil Code, concerning liens—and a majority recommend its passage.

Also, Assembly Bill No. 76—An Act relative to apprentices and masters—and report the same back, and recommend its passage.

Also, Senate Bill No. 452—An Act to amend section one thousand and one of the Political Code—a majority recommending that it do not pass.

Also, Senate Bill No. 449—An Act to authorize the Board of Trustees of the Town of Colusa to aid in the construction of a branch railroad—and a majority recommend that it be indefinitely postponed.

LEWIS, Chairman.

Mr. Farley, for the delegation, verbally reported Assembly Bill No. 627—An Act to fix the terms of the County and Probate Courts in and for the County of Amador—recommending its passage.

Also, Assembly Bill No. 575—An Act to prevent hogs and goats running at large in the Town of Sutter Creek, Amador County—recommending its passage.

Rules suspended, and the above bills taken up for consideration.

Assembly Bill No. 627.

Read third time and passed.

Assembly Bill No. 575.

Read third time and passed.

Mr. Evans, for the delegation, verbally reported Senate Bill No. 589—An Act to enable the City of Stockton to redeem its bonds falling due during the year eighteen hundred and seventy-six—recommending its passage.

Rules suspended, and the bill taken up for consideration.

Considered engrossed, read third time, passed, and ordered to the Assembly immediately without engrossment.

By Mr. McGarvey:

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 475—An Act to make applicable to Del Norte County an Act entitled an Act in relation to fence and pound districts in the County of Sonoma, approved March second, eighteen hundred and seventy-two—have considered the same, and recommend its passage.

McGARVEY, for Delegation.

Rules suspended, and the bill taken up for consideration.

Read third time and passed.

By Mr. McGarvey:

MR. PRESIDENT: The Humboldt delegation, to whom was referred Assembly Bill No. 462—An Act to provide for the construction of a wagon road from Grizzly Bluff to Camp Grant, in Humboldt County—have had the same under consideration, and now report the same back, and recommend its passage.

Also, Assembly Bill No. 438—An Act supplementary to an Act entitled an Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County, approved February eleventh, eighteen hundred and seventy-six—and recommend its passage.

McGARVEY, for Delegation.

Mr. McCoppin, by leave, withdrew Senate Bill No. 279—An Act to confirm the sales of certain lands made by the Commissioners appointed under the Act of the Legislature, approved May eighteenth, eighteen hundred and fifty-three, entitled an Act to provide for the sale of the interests of the State of California in the property within the water-line front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one, and the Act supplementary to and

amendatory thereof, passed on the first day of May, eighteen hundred and fifty-five, and to release the title of the State to the same.

# SPECIAL ORDER.

The special order set for ten o'clock A. M. was now taken up, being Assembly Bill No. 182 and other bills in relation to railroad matters.

On motion of Mr. Pierson, the special order was postponed until one o'clock and thirty minutes P. M.

Mr. Flint submitted reports as follows:

MR. PRESIDENT: The Committee, on Roads and Highways, to whom was referred Assembly Bill No. 500—An Act to establish and maintain public and private roads in the County of Santa Cruz—ask leave to report the same back, and recommend its passage.

FLINT, for Committee.

MR. PRESIDENT: The Santa Cruz delegation, to whom was referred Assembly Bill No. 476—An Act in relation to the county officers of Santa Cruz County, their fees and salaries—ask leave to report the same back, with an amendment, and recommend its passage as amended; also, recommend the reference of the bill to the Committee on State and County Revenue.

Also, Assembly Bill No. 662—An Act amendatory of and supplementary to an Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a school-house, approved March twentieth, eighteen hundred and seventy-four—ask leave to report the same back, and recommend its passage.

FLINT, for Delegation.

Assembly Bill No. 476, above reported, referred to the Committee on State and County Revenue.

Rules suspended, and Assembly Bill No. 662, above reported, taken up for consideration.

Read third time and passed.

By Mr. Nunan:

MR. PRESIDENT: Your committee to whom was referred Assembly Bill No. 553—An Act to provide for the payment of the debt due upon the Road Fund of Butte County—report the same back, and recommend its passage.

Also, Assembly Bill No. 554—An Act in relation to roads and highways in the County of Butte—report the same back, and recommend its passage.

Also, Assembly Bill No. 305—An Act to amend an Act regulating salaries of certain officers of Mariposa County, approved February seventh, eighteen hundred and seventy-four—report the same back, and recommend that it do not pass.

Also, Senate Bill No. 456—An Act in relation to the election of county officers in the County of El Dorado—report the same back, and recommend its passage.

Also, Assembly Bill No. 416—An Act in relation to the collection of licenses in Mariposa County—report the same back, and recommend its passage as amended.

Also, Assembly Bill No. 434—An Act to authorize the Board of Supervisors of Mariposa County to pay a certain claim—report the same back, and recommend its passage.

Also, Senate Bill No. 293—An Act to enable the County of San Bernardino to incur a debt for public improvements—report the same back, and recommend that it do not pass.

Also, substitute for Assembly Bill No. 46 and substitute for Senate Bill No. 73—report the same back, and recommend that they do not pass.

Also, Senate Bill No. 537—An Act to amend the Political Code by adding a new section, to be known as section two thousand nine hundred and twenty-one—report the same back, and recommend its passage as amended.

Also, Assembly Bill No. 552—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four—report the same back, and recommend its passage as amended.

Also, Senate Bill No. 550—An Act to amend section three thousand seven hundred and ninety-three of the Political Code—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 596—An Act to repeal an Act entitled an Act regulating the fees of witnesses in criminal cases in the Counties of Stanislaus and Merced, approved March twenty-seventh, eighteen hundred and seventy-four—report the same back, and recommend its passage.

Also, Senate Bill No. 586—An Act for the establishment and maintenance of a branch county jail in the County of Solano—report the same back, and recommend its passage.

NUNAN, Chairman.

Mr. Hilborn, for the Committee on Fisheries, submitted a report in relation to Senate Bills Nos. 39, 182, 307, and 308, in reference to the fish industries of this State, signed S. G. Hilborn, W. Z. Angney, W. McPherson Hill, E. Gibbons, and Paul Shirley.

On motion of Mr. Hilborn, the report was ordered printed out of its order.

By Mr. McGarvey:

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 242, herewith report the same back, and recommend its passage.

McGARVEY, Chairman.

Mr. Laine submitted a minority report from the joint committee appointed to consider and investigate the matter of the approaching Centennial Anniversary of American Independence, reporting adversely upon Senate Bill No. 52—An Act making an appropriation to aid exhibitors from the State of California at the Centennial Exhibition, to be held in the City of Philadelphia, in July, eighteen hundred and seventy-six.

On motion of Mr. Laine, the report was ordered printed.

Mr. Hendricks, from the same committee, asked further time to submit a majority report upon the subject, recommending the passage of the substitute for the bill, and that the whole subject be made a special order for Wednesday, the twenty-second instant, at one o'clock and thirty minutes P. M.

So ordered.

Mr. McCoppin moved to reconsider the vote by which the Senate, on Saturday, passed Senate Bill No. 305—An Act to amend section five hundred and forty-nine of the Civil Code.

On motion of Mr. Craig, the motion to reconsider was indefinitely postponed.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, March 17th, 1876. }

#### *To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 225—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, Senate Bill No. 277—An Act to amend section one thousand eight hundred and nineteen of the Code of Civil Procedure.

Also, substitute for Senate Bill No. 394—An Act amendatory of and supplementary to an Act entitled an Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco, approved April fourth, eighteen hundred and seventy.

Also, Senate Bill No. 398—An Act to extend the franchise granted to David Gerkey and others to build a wharf at Santa Cruz.

Also, Senate Bill No. 472—An Act to appropriate moneys for the purpose of insuring the State Printing Office.

Also, Senate Bill No. 425—An Act to amend an Act entitled an Act to create the Eighteenth Judicial District, and for other purposes, approved February twentieth, eighteen hundred and seventy-two.

Also, Senate Bill No. 450—An Act relative to the publication of amendments to the Codes.

Also, Senate Bill No. 457—An Act to authorize the County Treasurer of El Dorado County to transfer certain funds.

Also, Senate Bill No. 502—An Act to regulate the laying of gas and water pipes in the City of Oakland.

Also, Senate Bill No. 571—An Act to amend the Political Code of the State of California.

WILLIAM IRWIN, Governor.

Mr. Satterwhite, by leave, introduced a bill as follows: An Act concerning the public records in the office of the County Recorder of San Bernardino County.

Read first and second times and ordered on the general file.

#### GENERAL FILE.

Senate Bill No. 481—An Act to provide for the irrigation of the Colorado Desert, west of Fort Yuma.

The Senate refused to engross the bill.

Senate Bill No. 505—An Act to provide revenue for the support of the government of this State.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. McCoppin, Nunan, and Eakin, and it passed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Edgerton, Evans, Farley, Fraser, Hilborn, Hill, Hopkins, Laine, Montgomery, Satterwhite, Shirley, Spencer, and Turner—16.

NOES—Messrs. Craig, Eakin, Flint, Hendricks, Lewis, Lindsey, Martin, McCoppin, McGarvey, Nunan, O'Connor, Timmin, and Tuttle—13.

Mr. Farley gave notice of a motion to reconsider the vote by which the bill passed.

Senate Bill No. 127—An Act to amend sections ninety-two, one hundred and twenty-four, one hundred and forty-six, and one hundred and forty-seven, and to repeal sections ninety-four to one hundred and seven, inclusive, and sections one hundred and eighteen, one hundred and nineteen, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, and one hundred and forty-four of the Civil Code, in relation to divorces.

Mr. Lewis moved to recommit the bill to the Judiciary Committee, with instructions to amend by adding a clause providing that habitual intemperance shall be an additional cause for divorce.

#### RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

#### RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, March 20th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March fifteenth, passed Assembly Bill No. 489—An Act to provide for a recount of votes at general elections in the City and County of San Francisco.

Also, on March sixteenth, passed Assembly Bill No. 653—An Act to prevent hogs and goats running at large in the Town of Washington, Yolo County.

Also, on same date, passed Assembly Bill No. 608—An Act concerning taxes in Placer County.

Also, Assembly Bill No. 622—An Act to fix the compensation of Assessors for the collection of taxes on personal property in the County of Contra Costa.



Also, that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 707—An Act to authorize the Board of Supervisors of the County of Stanislaus to purchase the toll-bridge across the Stanislaus River, at Knight's Ferry.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 707, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 489, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 653 and 608, above reported, read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 622, above reported, read first and second times and referred to the Committee on State and County Revenue.

Mr. Beazell, by leave, submitted reports as follows:

MR. PRESIDENT: Your Committee of Conference on the disagreeing vote of the two Houses on Assembly amendment to Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code—after deliberation, beg leave to report the bill back, and unanimously recommend that the Senate concur in the Assembly amendment.

BEAZELL, Chairman Senate Committee.  
CARSON, Chairman Assembly Committee.

The bill was laid on the table until to-morrow.

MR. PRESIDENT: The Alameda delegation, to whom was referred Senate Bill No. 383—An Act to incorporate the Town of Livermore, Alameda County—report the same back, with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

BEAZELL, for Delegation.

Rules suspended, and the bill taken up for consideration.

Amendments concurred in.

Rules further suspended, considered engrossed, read third time, and passed.

Mr. Pierson offered a resolution, accepting the following, offered by Mr. McGarvey, as a substitute:

*Resolved*, That all committees be and they are hereby required to report back all bills in their possession, with or without recommendation, on or before next Thursday, at ten o'clock A. M., and that all bills be placed on file.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows:

By Mr. Craig—An Act to provide for the registry of medical practitioners.

Read first and second times and referred to the Committee on Hospitals.

By Mr. Roach—An Act amendatory of and supplementary to an Act to establish water rates in the City and County of San Francisco, approved March first, eighteen hundred and seventy-six.

Read first and second times, referred to the San Francisco delegation, and ordered printed.

By Mr. Howe—An Act to authorize the Board of Supervisors of the

City and County of San Francisco to allow and order paid certain claims.

Read first and second times and referred to the San Francisco delegation.

Mr. Edgerton, for the delegation, verbally reported Assembly Bill No. 642—An Act to provide for the government of the public schools of the City of Sacramento—recommending its passage.

The bill was referred to the Committee on Education.

Also, Senate Bill No. 574—An Act relative to the government of Sacramento County—recommending its passage.

Mr. Lewis, for the delegation, verbally reported Assembly Bill No. 10—An Act in relation to the county officers of Colusa County, their fees and salaries—recommending the adoption of certain amendments, and without recommendation.

Mr. Nunan, by leave, submitted a report as follows:

MR. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Assembly Bill No. 425—An Act concerning roads in Lassen County—report the same back, and recommend its passage as amended.

#### SPECIAL ORDER.

The special order set for one o'clock and thirty minutes p. m. was now taken up, being Assembly Bill No. 182—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads in this State;

Senate Bill No. 332—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State;

Senate Bill No. 134—An Act to provide for the appointment of a Commissioner of Transportation, and to prevent extortions and discrimination in fares and freights on railroads within this State; and

Senate Bill No. 319—Act to amend the Civil Code.

Mr. McCarthy submitted the following report:

SENATE CHAMBER,  
SACRAMENTO, March 20th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 396—An Act to incorporate the City of San Luis Obispo.

Also, Senate Bill No. 369—An Act amendatory of and supplementary to an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 566—An Act supplementary to an Act entitled an Act to enable John Hoagland and others to sue the City of Sacramento, approved March eleventh, eighteen hundred and seventy-six.

Also, Senate Bill No. 565—An Act to authorize the Board of Trustees of the City of Sacramento to levy taxes for city purposes.

Also, substitute for Senate Bill No. 435—An Act to amend an Act entitled an Act to reincorporate the City of Sonoma, approved April twenty-sixth, A. D. eighteen hundred and seventy.

Also, Senate Bill No. 459—An Act to provide for the collection of road poll-taxes in the County of Calaveras.

Also, Senate Bill No. 516—An Act to protect agriculture in the County of El Dorado.

Also, Senate Bill No. 304—An Act to amend section one thousand five hundred and seventy-seven of the Political Code, in relation to the change of boundaries in school districts.

Also, Senate Bill No. 461—An Act requiring the Board of Trustees of the City of Sacramento to appoint an expert.

Also, Senate Bill No. 567—An Act to authorize the County Clerk of Alameda County to employ two additional deputies.

Also, Senate Bill No. 517—An Act to prevent the catching of fish by seines, nets, or weirs in the San Antonio Creek, in the County of Alameda.

Also, Senate Bill No. 541—An Act to amend an Act entitled an Act to separate the office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six.

Also, Senate Bill No. 355—An Act to amend section eighteen of an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six.

Also, Senate Bill No. 378—An Act to call in and pay the registered warrants of Butte County.

Also, Senate Bill No. 377—An Act authorizing the Treasurer of Butte County to transfer certain funds.

Also, Senate Bill No. 405—An Act to add another section to the Civil Code.

Also, Senate Bill No. 379—An Act in relation to the manufacture of acids and explosive chemicals in the City and County of San Francisco, and other purposes.

Also, Senate Bill No. 339—An Act to amend section two thousand nine hundred and sixteen of the Political Code of this State, relating to wharves.

Also, Senate Bill No. 333—An Act to amend section three thousand three hundred and eighty-four of the Political Code.

And on this twentieth day of March, eighteen hundred and seventy-six, at one o'clock and forty minutes p. m., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

#### SPECIAL ORDER.

Assembly Bill No. 182, and the other bills on railroad matters, continued until to-morrow, at ten o'clock A. M.

#### INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows :

By Mr. Hopkins—An Act to repeal section six hundred and sixty-one of the Civil Code.

Read first and second times and referred to the Judiciary Committee.

Also, an Act supplemental to an Act entitled an Act to protect agriculture in the County of Calaveras, approved March twenty-fourth, eighteen hundred and seventy-four.

Read first and second times and ordered on the special file.

Also, an Act to regulate the recording of mining locations in Calaveras County.

Read first and second times and referred to the Committee on Mines and Mining Interests.

By Mr. Lindsey (by request)—An Act to require payment in full on certain lands sold by this State.

Read first and second times and referred to the Committee on Public Lands.

#### ADJOURNMENT.

At four o'clock and thirty-three minutes p. m., on motion of Mr. Evans, the Senate adjourned until ten o'clock A. M. to-morrow.

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#### IN SENATE.

SENATE CHAMBER, }  
Tuesday, March 21st, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## REPORTS.

## Mr. Tuttle submitted reports as follows :

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 112—An Act to prescribe the manner of furnishing text-books for the public schools of this State:

Also, Senate Bill No. 534—An Act to confer additional powers upon County Boards of Examination and City Boards of Education—report the same back, without recommendation.

Also, have considered Senate Bill No. 527—An Act to authorize the payment to B. E. Hunt, or his assigns, for services as teacher in Calistoga School District, Napa County:

Also, Senate Bill No. 133—An Act to amend section one thousand seven hundred and ninety-two of the Political Code, relating to teachers' certificates—report the same back, and recommend that they do not pass.

TUTTLE, for Committee.

MR. PRESIDENT: The delegation from Sonoma have had under consideration Assembly Bill No. 676—An Act to establish and define the powers and duties of the Board of Education of the City of Santa Rosa, in the County of Sonoma, and State of California—herewith report the same back, and recommend its passage.

Also, Assembly Bill No. 56—An Act concerning the office of Sheriff of Sonoma County—herewith report the same back, and recommend its indefinite postponement.

Also, Assembly Bill No. 286—An Act to protect salmon-trout and brook-trout in the streams of Sonoma County—herewith report the same back, and recommend that it do not pass.

TUTTLE AND HILL, Delegation.

MR. PRESIDENT: The Committee on Education have had under consideration Assembly Bill No. 374—An Act to reorganize and simplify the school system and public education of the State of California—herewith report the same back, with accompanying report, and those signing the report recommend that the bill do not pass.

TUTTLE, Chairman.

On motion of Mr. Tuttle, the report was ordered printed from the original manuscript and out of its order.

By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 530—An Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa—have had the same under consideration, and herewith respectfully report the same back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 664—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide a bounty for the same, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Stanislaus County—and herewith report the same back, and recommend its passage.

HILL, Chairman.

By Mr. McGarvey:

MR. PRESIDENT: The special committee to whom was referred Assembly Bill No. 566—An Act amendatory of and supplementary to an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six—now report the same back, without recommendation, and ask that the same be referred to the San Francisco delegation.

McGARVEY, Special Committee.

Rules suspended, and the bill above reported taken up.

Mr. McCoppin moved to indefinitely postpone the bill.

The motion prevailed.

By Mr. Craig:

SENATE CHAMBER,  
SACRAMENTO, March 21st, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 501—An Act to transfer certain funds in the State treasury belonging to the State Harbor Commission.

Also, Senate Bill No. 469—An Act to amend section four hundred and sixty-five of the Political Code.

Also, Senate Bill No. 522—An Act providing for the removal of the remains of deceased persons interred in California street, west of Lyon street, in the City and County of San Francisco,



and for the grading of California street, between Lyon street and First Avenue, in said city and county.

Also, Senate Bill No. 416—An Act to provide for levying and collecting a tax in Levee District Number Five, Sutter County, and for paying the salaries due the late State Board of Reclamation Fund Commissioners.

CRAIG, for Committee.

Mr. Angney, for the Finance Committee, verbally reported Senate Bill No. 613, recommending its reference to the Committee on Claims. So referred.

By Mr. Howe :

MR. PRESIDENT: The Committee on Commerce and Navigation have considered Senate Bill No. 600—An Act to provide for the improvement of the navigation of Sonoma Creek—and recommend that it be referred to the Sonoma delegation.

Also, Assembly Bill No. 526—An Act to authorize the construction of a boom in Mad River, Humboldt County: and

Senate Bill No. 515—An Act to amend section two thousand five hundred and twenty-five of the Political Code—and recommend their passage.

HOWE, Chairman.

By Mr. O'Connor :

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 232—An Act for the relief of James W. Marshall—herewith report the same back, and a majority of the committee recommend that it do not pass.

O'CONNOR, Chairman.

On motion of Mr. O'Connor, the bill was ordered on the general file, to take its place next to Assembly Bill No. 328.

By Mr. Tinnin :

MR. PRESIDENT: The committee appointed to superintend the funeral of the late James W. Mandeville have examined the bill of Byers & Fritz, undertakers, and herewith report it back, and recommend the adoption of the following concurrent resolution.

TINNIN, for Committee.

Rules suspended, and the resolution taken up.

*Resolved by the Senate, the Assembly concurring, That Byers & Fritz be paid the sum of three hundred and forty-three dollars and fifty cents, for the full amount of the funeral expenses of the late James W. Mandeville—one-half of said sum to be paid out of the Contingent Fund of the Senate, and the balance from the Contingent Fund of the Assembly.*

Adopted.

By Mr. Tinnin :

MR. PRESIDENT: The Modoc delegation, to whom was referred Assembly Bill No. 574—An Act to change the name of a town in Modoc County—have amended the same, report it back, and recommend its passage as amended.

TINNIN, for Delegation.

MR. PRESIDENT: The Shasta delegation, to whom was referred Assembly Bill No. 446—An Act to repeal all special laws in relation to roads and highways in the County of Shasta—have had the same under consideration, and herewith report it back, and recommend that it pass.

TINNIN, for Delegation.

Mr. McCoppin, by leave, gave the following notice :

MR. PRESIDENT: I give notice that I shall, with the permission of the Senate, introduce, at an early day, a bill to change in one particular the organization of the Board of Police Commissioners in the City and County of San Francisco.

By Mr. Farley :

SACRAMENTO, March 21st, 1876.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 520—An Act to incorporate the Town of St. Helena—have had the same under consideration, and report the same back, with a recommendation that it be referred to the delegation.

Also, Senate Bill No. 493—An Act to add an additional section to the Civil Code, concerning corporations, to be numbered three hundred—report the same back, and recommend its passage.

Also, Senate Bill No. 530—An Act to incorporate the Town of Martinez, and to provide for the government thereof—report the same back, and recommend its passage.

Also, Senate Bill No. 504—An Act to authorize corporations to own and improve the lots and houses in which their business is carried on—report the same back, and recommend its passage.

Also, Assembly Bill No. 289—An Act to create a Board of Water Trustees for the City of Napa, and to provide means for the construction of water-works for said city, and for the future government of the same—report the same back, with amendments, recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 598—An Act supplementary to an Act to authorize the City of Oakland to obtain a supply of water, passed March thirtieth, eighteen hundred and seventy-four—report the same back, and recommend its passage.

Also, Senate Bill No. 312—An Act concerning corporations and persons engaged in the business of banking—report the same back, and recommend its passage.

Also, Senate Bill No. 610—An Act amending an Act entitled an Act concerning corporations, approved April first, eighteen hundred and seventy-four—report the same back, and recommend that it do not pass.

FARLEY, Chairman.

Assembly Bill No. 520, above reported, was referred to the Napa County delegation.

Assembly Bill No. 289, above reported, on motion of Mr. Farley, was withheld from the file.

Mr. Edgerton, by leave, introduced a bill as follows: An Act concerning Lee School District, in the County of Sacramento.

Read first and second times and referred to the Sacramento delegation.

By Mr. Roach:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 367—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose—have considered the same, and recommend that Senator Craig have leave to withdraw the same.

Also, have considered Senate Bill No. 397—An Act to amend an Act establishing a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for said City and County of San Francisco—and recommend that it do not pass.

Also, have considered Senate Bill No. 423—An Act to authorize the Police Judge of the City and County of San Francisco to transfer actions to the Justices' Courts—and recommend the passage of the same.

Also, have considered Senate Bill No. 470—An Act entitled an Act to amend an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two, and supplementary thereof—and report the same back, without recommendation.

Also, have considered Senate Bill No. 441—An Act authorizing the Police Judge's Court and Municipal Criminal Court of the City and County of San Francisco to commit persons convicted of certain crimes to the House of Correction, and to order the transfer of persons confined in the County Jail of said city and county to said House of Correction—and recommend the passage of the same as amended.

Also, have considered Senate Bill No. 471—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn private property for that purpose—and recommend that it do not pass.

Also, have considered Senate Bill No. 483—An Act to confirm Resolutions Numbers Three Thousand Eight Hundred and Sixty-eight and Three Thousand Nine Hundred and Ninety-two (new series) of the Board of Supervisors of the City and County of San Francisco—and recommend the passage of the same.

Also, have considered Senate Bill No. 444—An Act to authorize the San Francisco Street Sprinkling Company to sprinkle certain streets in the City and County of San Francisco—and recommend that it do not pass.

Also, have considered Senate Bill No. 404—An Act to establish a female department of the County Jail of the City and County of San Francisco—and recommend that it do not pass.

Also, have considered Senate Bill No. 528—An Act to repeal an Act entitled an Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco, approved March eighteenth, eighteen hundred and seventy-four—and recommend that it do not pass.

Also, have considered Senate Bill No. 545—An Act to amend an Act entitled an Act repealing Article IV, of an Act entitled an Act to repeal the several charters of the City and County of

San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and all Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV.—and recommend that it do not pass.

Also, have considered Assembly Bill No. 350—An Act for the appointment of an Inspector of Stationary Steam Boilers and Steam Tanks, and for the better security of life and property in the City and County of San Francisco—and recommend the passage of the same.

Also, have considered Senate Bill No. 569—An Act to provide for the improvement of public parks in the City and County of San Francisco, etc.—and recommend the passage of the same as amended.

Also, have considered Assembly Bill No. 361—An Act to amend the Political Code of the State of California, and to protect the health and regulate hours of labor of street car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code—and a majority recommend the indefinite postponement of the same.

Also, have considered Senate Bill No. 490—An Act granting further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—and recommend the passage of the same as amended before re-reference.

ROACH, Chairman.

By Mr. Flint:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 491—An Act to provide for the maintenance and construction of roads and highways in the County of Mariposa—have had the same under consideration, ask leave to report it back, with amendments, and recommend its passage as amended.

FLINT, for Committee.

By Mr. Eakin:

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 625—An Act to provide for the improvement of the public roads in Inyo County—have had the same under consideration, and herewith report it back, and recommend its passage.

EAKIN, Chairman.

On motion of Mr. Rogers, the rules were suspended, and the bill above reported taken up for consideration.

Read third time and passed.

Mr. Farley, in accordance to previous notice, moved to reconsider the vote by which Senate Bill No. 505—An Act to provide revenue for the support of the government of this State—passed on yesterday.

Mr. Evans moved to indefinitely postpone the motion to reconsider the vote.

On which the ayes and noes were demanded by Messrs. McCoppin, McGarvey, and Rogers, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Edgerton, Evans, Fraser, Graves, Hilborn, Hill, Hopkins, Lane, McCune, Montgomery, Pierson, Rogers, Satterwhite, Shirley, and Spencer—19.

NOES—Messrs. Beazell, Eakin, Farley, Flint, Gibbons, Hendricks, Howe, Lewis, Lindsey, Martin, McCoppin, McGarvey, O'Connor, Roach, Tinnin, Turner, and Tuttle—17.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER. )  
SACRAMENTO, March 20th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 376—An Act to repeal Article IV. of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and supplementary thereto, and substituting this Act for said Article IV.

Also, passed Senate Bill No. 473—An Act to widen English street, in the City of Petaluma, and to take private property therefor.

Also, amended and passed Senate Bill No. 380—An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code.

Also, on this date, adopted Assembly Concurrent Resolution No. 46—In relation to establishing a mail route in Fresno County.

I am also directed to inform the Senate that the Committee on Conference, appointed by the Assembly and Senate to confer on Senate amendment to Assembly Bill No. 79, recommend that the Senate recede from its amendment to section nine of the bill, so far as it relates to the County of Sutter.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 20th, 1876. )

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, and ordered transmitted to the Senate without engrossment, substitute for Assembly Bill No. 41—An Act to further define the duties of the Tax Collector of the City and County of San Francisco.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 20th, 1876. )

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 545—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered two hundred and thirty-three, and to follow section two hundred and thirty-two of said Code, relating to juries.

Also, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 706—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 21st, 1876. )

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twentieth, passed Senate Bill No. 477—An Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 380, above reported, Assembly amendments to the bill concurred in.

Assembly Bills Nos. 545 and 41, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 706, above reported, read first and second times, rules suspended, and, by general consent, read third time and passed.

Assembly Concurrent Resolution No. 46, above reported, read first and second times and referred to the Committee on Federal Relations.

Assembly Bill No. 79, above reported, the Senate receded from its amendments to the bill.

Assembly Bill No. 376, above reported, read first and second times and referred to the San Francisco delegation.

Mr. Hilborn submitted a report setting forth amounts of mileage due members of the Committee on Fisheries, and moved its reference to the Committee on Mileage.

So referred.

By Mr. Eakin:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 527—An Act to authorize the Board of Supervisors of the County of Inyo to sell the several county bridges across Owens River, and to authorize said bridges to be established as toll-bridges—have had the same under consideration, and herewith report the same back, and recommend that it be indefinitely postponed.

EAKIN, Chairman.



On motion of Mr. Lewis, the rules were suspended, and Senate Bill No. 532 taken from the general file for consideration.

Senate Bill No. 532—An Act to amend the Code of Civil Procedure.

Amendments concurred in.

Considered engrossed, read third time, and passed.

#### SPECIAL ORDER.

The special order set for ten o'clock A. M. was now taken up, being Assembly Bill No. 182—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads in this State;

Senate Bill No. 332—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State;

Senate Bill No. 134—An Act to provide for the appointment of a Commissioner of Transportation, and to prevent extortions and discrimination in fares and freights on railroads within this State; and

Senate Bill No. 319—Act to amend the Civil Code.

#### RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

#### RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

#### SPECIAL ORDER.

Assembly Bill No. 182 and other bills on railroad matters.

Mr. Lewis, by leave, submitted a report as follows:

#### SENATE CHAMBER.

SACRAMENTO, March 21st, 1876. }

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 529—An Act supplementary to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and the Acts amendatory thereof and supplementary thereto—herewith report the same back, with a substitute, and a majority recommend the adoption and passage of the substitute.

LEWIS, Chairman.

On motion of Mr. Lewis, the bill was ordered at the head of the general file for to-morrow.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

#### ASSEMBLY CHAMBER.

SACRAMENTO, March 21st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 719—An Act to provide for the collection of road poll-taxes in and for the County of Stanislaus.

Also, Assembly Bill No. 720—An Act to amend an Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges across the Santa Ana River, and to issue bonds for the payment of the same.

Also, adopted Assembly Concurrent Resolution No. 47—Relative to correcting a clerical error in Assembly Bill No. 496.

Also, on March sixteenth, passed Assembly Bill No. 657—An Act to incorporate the Town of Colusa.

Also, on this date, passed Senate Bill No. 317—An Act to extend the franchise of J. E. Davis and N. P. Jordan, and others, to construct a wharf at Santa Cruz.

Also, on this date, amended and passed Senate Bill No. 109—An Act to authorize the widening of Dupont street, in the City and County of San Francisco.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 109, above reported, Assembly amendments concurred in.

Assembly Bill No. 719, above reported, read first and second times and referred to the delegation.

Assembly Bill No. 720, above reported, read first and second times and ordered on the special file.

Assembly Bill No. 657, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Concurrent Resolution No. 47, above reported, concurred in.

On motion of Mr. Evans, the rules were suspended, and Senate Bill No. 317 was ordered enrolled out of its order.

Mr. Lindsey moved that the special order in reference to the various Acts to provide a system of irrigation in certain counties of this State, set for one o'clock and thirty minutes p. m., be postponed until ten o'clock and thirty minutes a. m. to-morrow.

Agreed to.

Mr. McCarthy submitted a report as follows :

SENATE CHAMBER.

SACRAMENTO, March 21st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 324—An Act to prevent goats running at large in the Town of Folsom, County of Sacramento.

Also, Senate Bill No. 37—An Act to amend section two hundred and forty-three of the Penal Code.

Also, Senate Concurrent Resolution No. 29—Asking an appropriation to erect a light-house and fog-bell at Santa Monica, Los Angeles County.

Also, Senate Bill No. 178—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

And on this twenty-first day of March, eighteen hundred and seventy-six, at twelve o'clock and ten minutes p. m., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

Mr. Edgerton moved that no final vote shall be taken on any of the railroad bills before to-morrow, at one o'clock and thirty minutes p. m.

Agreed to.

Mr. Roach, by leave, submitted a report as follows :

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 609—An Act to modify the grades of certain streets in the City and County of San Francisco—have considered the same, and recommend its passage.

Also, have considered Senate Bill No. 603—An Act to amend an Act entitled an Act concerning street railroads, approved March twenty-ninth, eighteen hundred and seventy—and recommend its reference to the Committee on Corporations.

ROACH, Chairman.

On motion of Mr. McCarthy, the rules were suspended, and Assembly Bill No. 609, above reported, taken up for consideration.

Read third time and passed.

Mr. Timmin moved to reconsider the vote by which the resolution in reference to the funeral expenses of the late J. W. Mandeville was adopted.

The motion prevailed, and the resolution recommitted to the Committee on Contingent Expenses.

#### SPECIAL ORDER.

Assembly Bill No. 182, and the other bills on railroad fares and freights, was now taken up for further consideration.

After discussion, the special order was continued until to-morrow, at ten o'clock A. M.

Mr. McCoppin, by leave, introduced a bill as follows: An Act to authorize the compromise of certain litigation concerning a portion of the water front of the City and County of San Francisco.

Read first and second times and referred to the Judiciary Committee.

Mr. Timmin, from the Committee on Contingent Expenses, by leave, reported the following resolution:

*Resolved by the Senate, the Assembly concurring.* That Byers & Fritz be paid the sum of four hundred and eight dollars and fifty cents, being full amount of the funeral expenses of the late J. W. Mandeville one-half of said sum to be paid out of the Contingent Fund of the Senate, and the balance out of the Contingent Fund of the Assembly.

Rules suspended, and the resolution adopted.

#### ADJOURNMENT.

At four o'clock and forty-three minutes P. M., on motion of Mr. Lewis, the Senate adjourned until ten o'clock A. M. to-morrow.

#### IN SENATE.

SENATE CHAMBER.

Wednesday, March 22d, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

#### SPECIAL ORDER.

Assembly Bill No. 182 and other railroad bills.

Mr. Eakin, by leave, offered a concurrent resolution as follows:

*Resolved by the Senate, the Assembly concurring.* That the Governor be requested to return to the Senate Senate Bill No. 435, for correction.

Rules suspended, and the resolution adopted and ordered transmitted to the Assembly immediately.

Mr. Tuttle, by leave, withdrew Senate Bill No. 564—An Act to appropriate funds for the relief of the several orphan asylums of this State.

#### REPORTS.

Reports were submitted as follows:

By Mr. Bush:

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 647—An Act to fix the compensation of the Assessor of Los Angeles County for the collection of the tax on personal property—have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

BUSH, for Delegation.

By Mr. Howe:

MR. PRESIDENT: The Committee on Commerce and Navigation have considered Senate Bill No. 498—An Act to amend sections two thousand four hundred and thirty, two thousand four hundred and thirty-nine, two thousand four hundred and forty, two thousand four hundred and fifty-seven, two thousand four hundred and fifty-eight, two thousand four hundred and sixty, two thousand four hundred and sixty-five, two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, and two thousand four hundred and sixty-eight of Article VI., Title VI., Chapter I., of the Political Code—and recommend its indefinite postponement.

HOWE, Chairman.

By Mr. Turner:

MR. PRESIDENT: The majority of the Finance Committee, to whom was referred Senate Bill No. 399—An Act concerning the geological survey, and to repeal certain sections of the Political Code relating thereto—have had the same under consideration, and now report it back, with a substitute, and recommend its adoption and passage.

TURNER,  
TUTTLE,  
McCOPPIN.

By Mr. Bush:

MR. PRESIDENT: The Hospital Committee, to whom was referred Senate Bill No. 28—An Act to protect the citizens of the State of California from empiricism, and for the suppression of quackery—have considered the same, and report it back, with the recommendation that it do not pass.

Also, Senate Bill No. 192—An Act to regulate the practice of medicine in the State of California—and recommend that it do not pass.

Also, have considered Senate Bill No. 617—An Act to provide for the register of medical practitioners—and report the same back, without recommendation.

BUSH, Chairman.

Mr. Hill, for the delegation, verbally reported Assembly Bill No. 520—An Act to incorporate the Town of St. Helena—with amendments, recommending the adoption of the amendments, and the passage of the bill as amended.

Rules suspended, and the bill taken up for consideration.

Amendments concurred in.

Read third time, passed, and ordered to the Assembly immediately, out of its order.

By Mr. Beazell:

MR. PRESIDENT: The Swamp Land Committee, to whom was referred Senate Bill No. 581—An Act in relation to Swamp Land Districts Numbers Two Hundred and Two, Two Hundred and Four, Two Hundred and Forty-six, and Two Hundred and Forty-seven—report the same back, with a substitute, and recommend that it be referred to the delegation.

Also, have had under consideration Assembly Bill No. 131—An Act to amend sections three thousand four hundred and forty-one, three thousand four hundred and forty-two, and three thousand four hundred and forty-three of the Political Code—and recommend the striking out of all the amendments and the passage of the bill.



Also, have had under consideration Assembly Bill No. 15—An Act to protect settlers on the east side of the Sacramento River, in Colusa County, from overflow—report the same back, and your committee is of the opinion that this is a question for the Courts, and not for the Legislature, to decide; they therefore recommend that it do not pass.

BEAZELL, for Committee.

Senate Bill No. 581, above reported, referred to the delegation named in the bill.

Assembly Bill No. 15, above reported, on motion of Mr. Lewis, referred to the Judiciary Committee.

By Mr. Angney:

MR. PRESIDENT: The Finance Committee have had under consideration the following bills:

Assembly Bill No. 546—An Act to appropriate funds for the relief of the several orphan asylums of this State—and have amended the same, and recommend its passage as amended.

Senate Bill No. 583—An Act amendatory of and supplementary to an Act entitled an Act to establish a State Printing Office, and to create the office of Superintendent of State Printing—and return the same, with amendments, recommending the passage of the same as amended.

Senate Bill No. 525—An Act to provide for the Boys' and Girls' Aid Society of the City and County of San Francisco—and recommend that the same do not pass.

Senate Bill No. 609—An Act to create a Board of State Prison Commissioners—and have amended the same, and a majority of the committee recommend its passage as amended.

Senate Bill No. 591—An Act to amend an Act entitled an Act levying a tax for State purposes for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof—and report the same back, recommending its passage.

ANGNEY, Chairman.

Mr. Edgerton, for the delegation, verbally reported Senate Bill No. 624—An Act concerning Lee School District, in the County of Sacramento—recommending its passage.

Mr. Evans presented a protest from citizens of Stockton, against the passage of Senate Bill No. 466.

Received and ordered to go, with the bill, on the special file.

By Mr. Tinnin:

MR. PRESIDENT: The Humboldt and Siskiyou delegation, to whom was referred Assembly Bill No. 82, report it back, with amendments, and recommend its passage as amended.

TINNIN, for Delegation.

Mr. Angney moved to suspend the rules, and that the special order, being the consideration of the irrigation bills, be postponed until after the consideration of the railroad bills.

So ordered.

By Mr. Angney:

MR. PRESIDENT: The Committee on Public Lands have had under consideration Senate Bill No. 620—An Act to require payment in full on certain lands sold by this State—and recommend its passage.

Also, Assembly Bill No. 670—An Act authorizing the relocation of certain school land warrants issued by the State of California—and return the same, with a recommendation that it be indefinitely postponed.

ANGNEY, Chairman.

By Mr. Montgomery:

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 719, report the same back, and recommend its passage.

MONTGOMERY, for Delegation.

By Mr. Graves:

MR. PRESIDENT: The Santa Barbara, San Luis Obispo, and Ventura delegation report back Senate Bill No. 421—An Act confirming a water-right and mill privilege to certain persons in the County of Ventura—and recommend that it do not pass.

Also, Assembly Bill No. 338—An Act to repeal an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four—and recommend its passage.

Also, Assembly Bill No. 564—An Act fixing the salaries and compensation of certain officers of San Luis Obispo County—and recommend its passage.

GRAVES, for Delegation.

## SPECIAL ORDER.

The special order set for ten o'clock A. M., being Assembly Bill No. 182, and other railroad matters, was now taken up.

Mr. Martin offered a substitute for the bill.

Mr. Nunan offered a substitute for the whole subject-matter.

Considered in Committee of the Whole.

Reported with amendments.

On motion of Mr. Edgerton, the special order heretofore set for one o'clock and thirty minutes P. M., being Senate Bill No. 52—An Act making an appropriation to aid exhibitors at the Centennial Exhibition—was postponed until to-morrow, at ten o'clock A. M.

Mr. Edgerton moved to postpone the special order now under consideration, being Assembly Bill No. 182 and all the bills relating to railroad matters, until one o'clock and thirty minutes P. M. to-day.

Agreed to.

Mr. Evans submitted a report as follows:

MR. PRESIDENT: Your Committee on Mileage, to whom was referred the report of the Committee on Fisheries, relative to the mileage due said committee, have duly examined the same, and find it correct. We therefore recommend the adoption of the following resolution:

*Resolved*, That Senators Hilborn, Anguey, and Shirley are entitled to forty-two dollars each, as pay for mileage in the performance of their duties as members of the Committee on Fisheries, and that the Controller of State be directed to draw his warrant in favor of said Senators for the sum of forty-two dollars each, payable out of the appropriation for the contingent expenses of the Senate.

EVANS AND FRASER, for Committee.

Rules suspended, and the resolution adopted.

## SPECIAL ORDER.

The special order set for ten o'clock and thirty minutes A. M. was now taken up, being Senate Bill No. 9—An Act to provide a system of irrigation in the Counties of Fresno, Tulare, and Kern;

Senate Bill No. 80—An Act to provide a system of irrigation;

Senate Bill No. 233—An Act to create a uniform system of irrigation for the State of California;

Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District; and

Senate Bill No. 514—An Act in relation to irrigation.

On motion of Mr. Shirley, Assembly Bill No. 73 was taken up first for consideration.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Lindsey, the hour of recess was temporarily postponed.

Assembly Bill No. 73.

Reported from Committee of the Whole with amendments.

All amendments concurred in, except the proposed amendment to section forty.

Section forty amended.

Section forty-one amended.

On motion of Mr. Evans, the bill, together with all the other bills relating to the same subject, was ordered at the head of the general file for to-morrow.

## RECESS.

At twelve o'clock and forty-five minutes p. m. the Senate took a recess.

## RE-ASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

Mr. Laine, for the delegation, verbally reported Assembly Bill No. 501—An Act to authorize the Board of Trustees of the Town of Santa Clara to sell a public square—with amendments, recommending the adoption of the amendments, and passage of the bill as amended.

Also, Assembly Bill No. 688—An Act concerning the office of the District Attorney of Santa Clara County—recommending that the bill do not pass.

On motion of Mr. Hopkins, the rules were suspended, and Senate Bills Nos. 112 and 534, and Assembly Bill No. 374, were ordered second on the general file for to-morrow.

## GOVERNOR'S MESSAGE.

A message was received from the Governor returning, without his approval, Senate Bill No. 248—An Act to provide for the keeping of the Capitol and Capitol grounds.

On motion of Mr. Evans, the message was ordered printed and made a special order for one o'clock and thirty minutes p. m. on Friday next, the twenty-fourth instant.

## SPECIAL ORDER.

Assembly Bill No. 182—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads in this State;

Senate Bill No. 332—An Act prescribing the maximum rates which may be charged for the transportation of passengers and freights on the railroads of this State;

Senate Bill No. 134—An Act to provide for the appointment of a Commissioner of Transportation, and to prevent extortions and discrimination in fares and freights on railroads within this State; and

Senate Bill No. 319—Act to amend the Civil Code.

On motion of Mr. Farley, Senate Bill No. 134, as printed, with proposed amendments, was taken up first for consideration.

Amendments proposed by the Committee on Corporations, and adopted in the Committee of the Whole, concurred in, and the bill, as printed, brought before the Senate for consideration.

Mr. Evans offered an amendment as follows: Amend section one by adding to the section the following: "Said Commissioners shall have their office in the State Capitol building, at Sacramento."

Mr. Tuttle offered an amendment to the amendment, by striking out "State Capitol building, at Sacramento," and inserting "City and County of San Francisco."

On the adoption of the amendment to the amendment, the ayes and noes were demanded by Messrs. Evans, Hilborn, and O'Connor, and the Senate refused to adopt it, by a vote as follows:

AYES—Messrs. Bartlett, Beazell, Craig, Donovan, Edgerton, Hill, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Nunan, Roach, Rogers, Shirley, Turner, and Tuttle—18.

NOES—Messrs. Angney, Bush, Eakin, Evans, Farley, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hopkins, Laine, Lindsey, McCune, Montgomery, O'Connor, Pierson, Satterwhite, Spencer, and Tinnin—20.

The amendment of Mr. Evans was adopted.

Mr. Evans offered the following amendment: Amend section three by striking out, in line five, the word "seventy," and inserting in lieu thereof the word "twenty."

Adopted.

Also, amend same section, line six, by striking out the words "an office" and the "etc.," and inserting the word "and" after the word "fuel," in same line.

Adopted.

Mr. Edgerton offered an amendment as follows: Amend section six, page three, by inserting after the word "Commissioners," at the end of line four, the following words: "And in the office of Secretary of State, and in the office of the County Clerk of each county in which its road is located."

Adopted.

Mr. Angney offered an amendment as follows: In line thirteen, section six, after the word "tariff," insert the words "or in use."

Adopted.

Also, in section six, line twelve, between the words "above" and "the," insert the words "ninety per centum of."

On adopting the amendment, the ayes and noes were demanded by Messrs. Angney, Lewis, and McCarthy, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Flint, Hendricks, Hilborn, Laine, Lindsey, Martin, McCune, Montgomery, O'Connor, Roach, Spencer, Tinnin, Turner, and Tuttle—17.

NOES—Messrs. Beazell, Craig, Donovan, Edgerton, Evans, Farley, Fraser, Gibbons, Graves, Hill, Hopkins, Howe, Lewis, McCarthy, McCoppin, McGarvey, Nunan, Pierson, Rogers, Satterwhite, and Shirley—21.

Mr. Angney moved to amend section six, line twelve, as follows: Between the words "above" and "the," insert the words "ninety-five per centum of."

On which the ayes and noes were demanded by Messrs. Angney, Lindsey, and McCarthy, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Flint, Hendricks, Hilborn, Laine, Lindsey, Martin, McCune, Montgomery, O'Connor, Roach, Spencer, Tinnin, Turner, and Tuttle—17.

NOES—Messrs. Beazell, Craig, Donovan, Edgerton, Evans, Farley, Fraser, Gibbons, Graves, Hill, Hopkins, Howe, Lewis, McCarthy, McCoppin, McGarvey, Nunan, Pierson, Rogers, Satterwhite, and Shirley—21.

Mr. Hilborn moved to amend section six, between the words "above" and "the," in line twelve, by inserting the words "ninety-nine per centum of."

On which the ayes and noes were demanded by Messrs. Hilborn, Angney, and Fraser, and the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Flint, Fraser, Hendricks, Hilborn, Howe, Laine, Lindsey, McCune, Montgomery, O'Connor, Roach, Spencer, Tinnin, and Tuttle—19.

NOES—Messrs. Beazell, Craig, Edgerton, Evans, Farley, Gibbons, Graves, Hill, Hopkins, Lewis, McCarthy, McCoppin, McGarvey, Nunan, Pierson, Rogers, Satterwhite, Shirley, and Turner—19.



The President voted in the negative, and the Senate refused to adopt the amendment.

Mr. Tuttle offered what is known as the "Irwin bill" as a substitute for section six of the bill.

On motion of Mr. Lewis, the reading of the substitute was dispensed with.

The Senate refused to adopt the substitute.

Mr. Lewis moved to suspend the rules, to consider the bill engrossed, and place it on its third reading and passage.

The motion prevailed.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lewis, Angney, and McCarthy, and it passed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Donovan, Edgerton, Evans, Farley, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hill, Hopkins, Howe, Lewis, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Turner, and Tuttle—30.

NOES—Messrs. Angney, Bartlett, Bush, Eakin, Flint, Laine, Lindsey, Martin, and Tinnin—9.

On motion of Mr. O'Connor, the rules were suspended, and the bill ordered to the Assembly immediately without engrossment.

Mr. Lewis moved that all the other bills comprising the special order, being Assembly Bill No. 182 and Senate Bills Nos. 332 and 319, be laid on the table.

On which the ayes and noes were demanded by Messrs. O'Connor, Angney, and Lindsey, and the motion prevailed, by a vote as follows:

AYES—Messrs. Beazell, Eakin, Edgerton, Evans, Farley, Fraser, Gibbons, Graves, Hopkins, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Pierson, Rogers, Satterwhite, Shirley, Spencer, and Turner—20.

NOES—Messrs. Angney, Bartlett, Bush, Craig, Donovan, Flint, Hendricks, Hilborn, Hill, Howe, Laine, Lindsey, Martin, McCune, Numan, O'Connor, Roach, Tinnin, and Tuttle—19.

Mr. Lewis submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, March 22d, 1876. }

MR. PRESIDENT: The Committee on the Judiciary, to whom was referred Assembly Bill No. 119—An Act to amend section four thousand and twenty-four of the Political Code of the State of California—herewith report the same back, and recommend its passage.

Also, Senate Bill No. 464—An Act amending the Political Code by adding a new section thereto, to be numbered section four thousand one hundred and ninety-four, in relation to the duties of Sheriffs—and recommend its passage.

Also, Senate Bill No. 442—An Act to repeal section five hundred and twenty-seven and to amend section five hundred and twenty-eight of the Political Code—and recommend its passage.

Also, Senate Bill No. 449—An Act to amend section one thousand and ninety-eight of the Political Code, in relation to the enrollment of electors—and recommend its passage.

Also, Senate Bill No. 453—An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure—and a majority recommend its passage.

Also, Senate Bill No. 454—An Act to amend section seventy-six of the Code of Civil Procedure—and recommend that it do not pass.

Also, Senate Bill No. 458—An Act to protect the right of conscience in behalf of persons who believe that it is their religious duty to observe the seventh day of the week as the Sabbath—and a majority recommend that it do not pass.

Also, Assembly Bill No. 469—An Act to continue the existence of the Crescent City Plank Road and Turnpike Company—and recommend that it do not pass.

Also, Senate Bill No. 284—An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three, in relation to hotel, inn, boarding-house, and lodging-house keepers—and recommend that it do not pass.

Also, Senate Bill No. 362—An Act to amend section seven hundred and ninety-one of the Political Code, with reference to Notaries Public—and recommend that it do not pass.

Also, Senate Bill No. 75—An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda—and recommend that the Senate do not concur in the Assembly amendments.

Also, Senate Bill No. 467—An Act to amend section four hundred and seventy of the Civil Code—and recommend that it do not pass.

Also, Senate Bill No. 478—An Act to add a new section to the Political Code, to be numbered section four thousand one hundred and fifteen, in relation to municipal corporations—and recommend that it do not pass.

Also, Assembly Bill No. 497—An Act to appropriate money to assist in the prosecution of the State against the Golden City Homestead Association—and recommend that it do not pass.

Also, Assembly Bill No. 275—An Act to amend section two thousand and three of the Civil Code of the State of California, concerning the compensation of employes—and recommend that it do not pass.

Also, Senate Bill No. 395—An Act to authorize the formation of corporations sole—and recommend that it do not pass.

Also, Senate Bill No. 535—An Act allowing John P. Sheldon to sue the Board of State Harbor Commissioners—recommending that it do not pass.

Also, Senate Bill No. 523—An Act to authorize the Board of Supervisors of the County of Santa Cruz to arrange with the Santa Cruz Railroad Company to change its railroad so as to pass through the Town of Watsonville—and report the same back, with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 468—An Act to amend section one thousand two hundred and forty-eight of the Code of Civil Procedure—and report the same back, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 169—An Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure—and report the same back, with amendments, and recommend its passage as amended.

LEWIS, Chairman.

By Mr. McCarthy :

SENATE CHAMBER.

SACRAMENTO, March 22d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 533—An Act ratifying and confirming the action of the Board of Supervisors of Stanislaus County in employing special counsel in certain cases.

Also, Senate Bill No. 143—An Act to regulate contracts on behalf of the State in relation to erections and buildings.

Also, Senate Bill No. 448—An Act to authorize the Supervisors of San Bernardino County to levy a tax to pay for the building of the Court-house.

Also, Senate Bill No. 360—An Act concerning the salary of the District Attorney of San Bernardino County.

Also, Senate Bill No. 186—An Act in relation to sales and conveyances of "The Mutual Real Estate Company."

Also, Senate Bill No. 570—An Act to provide for opening streets in the Town of Alameda.

Also, Senate Bill No. 317—An Act to extend the franchise of J. E. Davis and O. P. Jordan, and others, to construct a wharf at Santa Cruz.

Also, Senate Bill No. 561—An Act to extend the time for selling property for delinquent taxes in the County of Alpine.

Also, Senate Bill No. 109—An Act to authorize the widening of Dupont street, in the City and County of San Francisco.

And on this twenty-second day of March, eighteen hundred and seventy-six, at twelve o'clock and twenty-five minutes P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

ADJOURNMENT.

At five o'clock and twenty minutes P. M., on motion of Mr. Lewis, the Senate adjourned until ten o'clock A. M. to-morrow.

## IN SENATE.

SENATE CHAMBER, )  
Thursday, March 23d, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Mr. Lewis, for the Judiciary Committee, verbally reported Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning the sale of public lands—recommending that the Senate do not concur in the Assembly amendments to the bill.

The Senate refused to concur in the amendments.

Mr. Beazell offered a resolution providing for the payment of forty dollars, for fees and mileage, to L. McEwen, as a witness before the Swamp Land Committee.

Referred to the Committee on Contingent Expenses.

Mr. Lewis asked further time for the Judiciary Committee to report Assembly Bill No. 15—An Act entitled an Act to protect settlers on the east side of the Sacramento River, in Colusa County, from overflow.

So ordered.

## REPORTS.

Reports were submitted as follows:

By Mr. Nunan:

MR. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Assembly Bill No. 239 and substitute therefor—An Act concerning officers of Lake County, their fees and salaries—report the same back, and recommend the passage of the substitute as amended.

Also, Assembly Bill No. 622—An Act to fix the compensation of the Assessor for the collection of taxes on personal property in the County of Contra Costa;

Also, Assembly Bill No. 476—An Act in relation to the county officers of Santa Cruz County, their fees and salaries;

Also, Senate Bill No. 412—An Act to provide for the issuance of the bonds of the County of Kern, for the payment of the indebtedness of said county;

Also, Assembly Bill No. 621—An Act to authorize the Mayor and Common Council of Salinas City to build a school-house in said city, to issue bonds therefor, and to provide for the payment of the same—report said bills back, without recommendation.

Also, Senate Bill No. 580—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four—report the same back, and recommend its passage as amended.

NUNAN, Chairman.

Senate Bill No. 580, above reported, was re-referred to the committee.  
By Mr. Howe:

MR. PRESIDENT: The Committee on Commerce and Navigation have considered Senate Bill No. 542—An Act to amend section two thousand five hundred and twenty-four of the Political Code—and recommend that the author have leave to withdraw the bill.

Also, Senate Bill No. 392—An Act to allow the construction of a railway bridge on Sonoma Creek—and recommend that it do not pass, as the building of railroad bridges is fully provided for in section four hundred and sixty-five of the Civil Code.

HOWE, Chairman.

By leave, Senate Bill No. 542, above reported, was withdrawn by its author.

### By Mr. Turner:

MR. PRESIDENT: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 417—An Act to amend the Political Code in reference to the boundary of Alameda County—have had the same under consideration, and now report it back, with the recommendation that it do not pass, for the following reasons:

*First*—There was no evidence before the committee that the changes proposed in the bill were demanded by the people.

*Second*—Amendments were attached to the bill, proposing changes in the boundary line of Santa Cruz County, which were not indorsed by any clerk or committee, and there was no evidence or knowledge of their origin.

TURNER, for Committee.

### By Mr. Eakin:

MR. PRESIDENT: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 44, report the same back, with a substitute therefor, and recommend the passage of the substitute.

EAKIN, Chairman.

### By Mr. Tuttle:

MR. PRESIDENT: The Committee on Education report Assembly Bill No. 642—An Act to provide for the government of the public schools of the City of Sacramento—with amendments, and recommend the adoption of the amendments, and without recommendation on the bill.

TUTTLE, Chairman.

Mr. Craig, for the San Francisco delegation, verbally reported Senate Bill No. 274—An Act to reincorporate the City and County of San Francisco—with a substitute.

On motion of Mr. Bartlett, the bill and substitute were indefinitely postponed.

### By Mr. Shirley:

MR. PRESIDENT: Your committee would most respectfully beg leave to report back Senate Bills Nos. 47, 63, and 560, without recommendation.

SHIRLEY, Chairman.

### By Mr. Graves:

MR. PRESIDENT: The San Luis Obispo delegation report back Assembly Bill No. 636—An Act to provide funds for road purposes in the County of San Luis Obispo—and recommend its passage.

GRAVES, for Delegation.

### By Mr. Satterwhite:

MR. PRESIDENT: Your Committee on the State Library, to whom was referred Senate Bill No. 400, herewith report the same back, without recommendation.

SATTERWHITE, for Committee.

Mr. Beazell, for the delegation, verbally reported Senate Bill No. 262—An Act for the relief of Ira McMinderes—recommending that the bill do not pass.

On motion of Mr. Beazell, the bill was indefinitely postponed.

### By Mr. Hill:

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 209—An Act amendatory of and supplementary to an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four—have had the same under consideration, and herewith report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 510—An Act to prevent the destruction of timber on lands belonging to the State of California—and herewith respectfully report the same back, without recommendation.

Also, Senate Bill No. 508—An Act to save from destruction the vineyards of California, and to extirpate the phylloxera in said vineyards—and report the same back, with a substitute, and recommend the adoption and passage of the substitute. Also, respectfully present herewith a report on the subject of the new disease, which has lately made its appearance in the vineyards



of this State, threatening the total destruction of this great interest, and ask that the report be printed.

HILL, Chairman.

On motion of Mr. Hill, the rules were suspended, and four hundred and eighty copies of the report of the committee were ordered printed.

On motion of Mr. Bush, the rules were suspended, and Senate Bill No. 549 was ordered at the head of the general file for to-morrow.

By Mr. Tinnin:

MR. PRESIDENT: The Siskiyou delegation, to whom was referred Assembly Bill No. 519—An Act for the relief of East Fork School District, in the County of Siskiyou—report it back, and recommend its passage.

TINNIN, for Delegation.

#### SPECIAL ORDER.

Thursday, March twenty-third, at ten o'clock A. M. Senate Bill No. 52—An Act making an appropriation to aid exhibitors from the State of California at the Centennial Exhibition, to be held in the City of Philadelphia, in July, eighteen hundred and seventy-six.

On motion of Mr. Laine, the special order was postponed until to-morrow, at ten o'clock A. M.

Mr. Hendricks submitted the following report:

MR. PRESIDENT: The majority of the Centennial Committee, to whom was referred Senate Bill No. 52—An Act making an appropriation to aid exhibitors from the State of California at the Centennial Exhibition, to be held in the City of Philadelphia, in July, eighteen hundred and seventy-six, and a substitute for the same, beg leave to make the following report.

We consider the constitutional right to so appropriate money too important to discuss, had it not been raised by those opposed to such appropriation in all and every respect. The case principally cited in opposition is that of *Leach v. Council of Boston*, 3 Mass. Reports, page 444, in which the Court held "the Act of eighteen hundred and seventy-two of that State, authorizing the City of Boston, to issue bonds for the relief of individuals whose property was burned in the great fire of eighteen hundred and seventy-two," to be unconstitutional. The Court says (page 461): "To justify any exercise of the power taxation, requires that the expenditure it is intended to meet shall be for some object which concerns public welfare. The promotion of the interests of individuals, either in respect to property or business, although it may result incidentally in the advancement of the public welfare, is, in its essential character, a private and not a public object."

The Court further shows "that the power of the Legislature is limited by the fourth article, first chapter, first section of the State Constitution," page 461; and further says, on page 473, "that it is a question of legislative power under the Constitution of the Commonwealth." Instead of the above-cited decision being adverse to our constitutional right, the majority of the committee are clearly of the opinion that it is decidedly in its favor.

We find no unconstitutional prohibition, but innumerable instances of our Legislatures exercising similar rights. A State Legislature occupies altogether a different position from even the Congress of the United States. The latter is restricted to delegated powers; while the former is supreme, only as restricted by the Constitution.

Therefore, there being no constitutional prohibition, with policy, patriotism, and State pride in favor of an appropriation, the committee deem it disgraceful for the State of California, the most favored State in the Union, inferior to none in natural resources, and, in proportion to her age, the peer of any in advancement, to lay behind on such an occasion—one which is pointed on, not only by her sister States, but by nearly every nation on earth and populated island of the sea. Shall we, while all the world is moving to do us honor, fail to respond? Shall our proud young State be the only unrepresented portion of the globe? Shall we tarnish our reputation; and instead of sustaining and defending our character for energy, enterprise, and liberality, sink into parsimonious disrepute?

The committee unanimously report back a substitute for the bill and substitute referred to us, and a majority recommend its passage.

HENDRICKS, for Committee.

Mr. Donovan moved to suspend the rules to make Senate Bill No. 358—An Act to amend section six hundred and ninety of the Code of Civil Procedure—the special order for to-morrow, at eleven o'clock A. M.

Lost.

[President pro tem. in the chair.]

Mr. Gibbons, for the Committee on Federal Relations, verbally reported Assembly Concurrent Resolution No. 39—Relative to establishing a mail route between the Counties of San Luis Obispo and Kern; and

Assembly Concurrent Resolution No. 46—In relation to establishing a mail route in Fresno County—recommending the adoption of the resolutions.

#### GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, March 20th, 1876.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 135—An Act to amend an Act entitled an Act to abate the squirrel nuisance in certain counties in the State of California, approved March tenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 465—An Act concerning roads and highways in the County of San Joaquin.  
Also, Senate Bill No. 484—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in the said city, approved April fourth, eighteen hundred and sixty-four.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, March 21st, 1876.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 304—An Act to amend section one thousand five hundred and seventy-seven of the Political Code, in relation to the change of boundaries in school districts.

Also, Senate Bill No. 333—An Act to amend section three thousand three hundred and eighty-four of the Political Code.

Also, Senate Bill No. 369—An Act amendatory of and supplementary to an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 377—An Act authorizing the Treasurer of Butte County to transfer certain funds.

Also, Senate Bill No. 378—An Act to call in and pay the registered warrants of Butte County.

Also, Senate Bill No. 379—An Act in relation to the manufacture of acids and explosive chemicals in the City and County of San Francisco, and for other purposes.

Also, Senate Bill No. 396—An Act to incorporate the City of San Luis Obispo.

Also, Senate Bill No. 405—An Act to add another section to the Civil Code.

Also, Senate Bill No. 459—An Act to provide for the collection of road poll-taxes in the County of Calaveras.

Also, Senate Bill No. 461—An Act requiring the Board of Trustees of the City of Sacramento to appoint an expert.

Also, Senate Bill No. 516—An Act to protect agriculture in the County of El Dorado.

Also, Senate Bill No. 517—An Act to prevent the catching of fish by seines, nets, or weirs in the San Antonio Creek, in the County of Alameda.

Also, Senate Bill No. 541—An Act to amend an Act entitled an Act to separate the office of County Auditor from the office of County Recorder, and to regulate the official salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six.

Also, Senate Bill No. 555—An Act to amend section eighteen of an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six.

Also, Senate Bill No. 565—An Act to authorize the Board of Trustees of Sacramento City to levy taxes for city purposes.

Also, Senate Bill No. 566—An Act supplemental to an Act entitled an Act to enable John Hoagland and others to sue the City of Sacramento, approved March eleventh, eighteen hundred and seventy-six.

Also, Senate Bill No. 567—An Act to authorize the County Clerk of Alameda County to employ two additional deputies.

WILLIAM IRWIN, Governor.

*To the Senate of the State of California:*

I herewith return to your honorable body Senate Bill No. 435—An Act to amend an Act entitled an Act to reincorporate the City of Sonoma, approved April tenth, eighteen hundred and sixty-two, and amended March twenty-sixth, eighteen hundred and seventy, in accordance with Senate Concurrent Resolution No. 43.

WILLIAM IRWIN, Governor.

## ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER. }  
SACRAMENTO, March 22d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March seventeenth, passed Assembly Bill No. 661—An Act to amend an Act entitled an Act regulating the collection of delinquent taxes in the County of Alameda, approved April fourth, eighteen hundred and seventy.

Also, Assembly Bill No. 669—An Act to amend section three thousand seven hundred and sixty-four of the Political Code.

Also, Assembly Bill No. 681—An Act concerning the terms of the County Court of the County of Ventura.

Also, Assembly Bill No. 191—An Act for the relief of William Ford, of Mendocino County.

Also, Assembly Bill No. 356—An Act to amend section one thousand two hundred and sixty-one of the Civil Code.

Also, Assembly Bill No. 442—An Act to limit the powers of the Board of Supervisors of Alameda County, with reference to contracting debts and levying taxes for county purposes.

Also, Assembly Bill No. 451—An Act concerning water ditches and water privileges for irrigation, manufacturing, and mining purposes, in the Counties of Fresno, Tulare, and Kern.

Also, Assembly Bill No. 481—An Act to amend section six hundred and thirty of the Penal Code.

Also, Assembly Bill No. 533—An Act for the incorporation of societies for the prevention of cruelty to children.

Also, Assembly Bill No. 542—An Act supplementary to an Act entitled an Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom, approved March sixteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 587—An Act to authorize the Board of Supervisors of Lake County to levy a special tax.

Also, on same date, passed Assembly Bill No. 567—An Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER. }  
SACRAMENTO, March 22d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 730—An Act to confer additional powers upon the Board of Supervisors of San Mateo County.

Also, Assembly Bill No. 729—An Act to authorize the Board of Supervisors of Los Angeles County to erect a jail, and to issue bonds for the payment of the same.

Also, Assembly Bill No. 731—An Act to prevent stock from running at large upon the roads and highways in the County of Marin.

Also, Assembly Bill No. 732—An Act to make applicable a certain Act to San Luis Obispo County.

Also, Assembly Bill No. 733—An Act to amend an Act entitled an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma, approved March sixteenth, eighteen hundred and seventy-four.

Also, on March eighteenth, passed Assembly Bill No. 705—An Act confirming to the Santa Barbara Cemetery Association a deed of conveyance made by the Town of Santa Barbara.

Also, Assembly Bill No. 717—An Act to amend an Act entitled an Act to create a Board of Auditors for El Dorado County, and to fix the powers thereof, approved March thirtieth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 655—An Act to repeal an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four, and to make applicable to said county certain provisions of the Political Code.

Also, Assembly Concurrent Resolution No. 43—Relative to the State Centennial Board of California.

Also, on this date, passed Senate Bill No. 439—An Act to appropriate the sum of eight thousand dollars to make certain repairs on the State Normal School and to provide furniture therefor.

Also, adopted Senate Concurrent Resolution No. 43—Requesting the Governor to return Senate Bill No. 435.

Also, concurred in Senate amendment to Assembly Bill No. 520.

O'NEIL, Assistant Clerk.

#### ASSEMBLY CHAMBER.

SACRAMENTO, March 23d, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-second instant, passed, under a suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 746—An Act to regulate the terms of the County Court of the County of Stanislaus.

Also, Assembly Bill No. 723—An Act to reserve from sale the north half of section sixteen, township seven south, range three east, of Mount Diablo meridian.

Also, indefinitely postponed substitute for Senate Bills Nos. 23 and 205—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, refused to pass Senate Bill No. 315—An Act to amend certain sections and to repeal certain sections of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning the salaries of civil executive officers of the State.

Also, on the twenty-first instant, indefinitely postponed Senate Bill No. 373—An Act to establish a State force for the detection and arrest of criminals.

CAYLAT, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 661, 681, 442, 451, 587, 703, 717, 746, 731, 732, 733, and 567, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bills Nos. 669, 356, and 481, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 191, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 533, above reported, read first and second times and referred to the Committee on Public Morals.

Assembly Bill No. 542, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Concurrent Resolution No. 43, above reported, referred to the Centennial Committee.

Assembly Bill No. 655, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 723, above reported, read first and second times and referred to the Committee on Public Lands.

Assembly Bills Nos. 729 and 730, above reported, read first and second times, rules suspended, and, by general consent, each read third time and passed.

Mr. Lewis moved to suspend the rules, to take from the general file Senate Bill No. 452 for consideration.

Lost.

Mr. Martin submitted the following report:

MR. PRESIDENT: The Placer delegation, to whom was referred Assembly Bill No. 608—An Act concerning certain taxes in Plumas County—report the same back, with a substitute, and recommend the adoption of and passage of the substitute.

MARTIN, Delegation.

Mr. Evans offered the following:

*Resolved*, That Rule Number Six be amended so as to provide that the general file shall be the special order from ten o'clock and thirty minutes A. M. to twelve o'clock and thirty minutes P. M.

Adopted.



## Mr. Roach submitted a report as follows:

Mr. President: At a regularly called meeting of the San Francisco delegation, a quorum was present for a part of the time, but not remaining with us, in obedience to the resolution of the Senate, we report the following bills back, with accompanying recommendations:

Senate Bill No. 348—An Act to repeal Article IV. of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for the said Article IV.—and recommend that it do not pass.

Also, have considered Assembly Bill No. 578—An Act to confer further powers on the Justices of the Peace of the City and County of San Francisco—and recommend that it do not pass.

Also, have considered Senate Bill No. 347—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county, approved March twenty-eighth, eighteen hundred and sixty-eight—and recommend that it do not pass.

Also, have considered Senate Concurrent Resolution No. 31—Asking Congress to prevent discrimination in the transportation of freight on the Central and Union Pacific Railroad—and recommend that it do not pass.

Also, have considered Senate Bill No. 512—An Act relating to buildings and the more effectual preservation of life and property in the City and County of San Francisco—and recommend that it do not pass.

Also, have considered Senate Bill No. 601—An Act to amend an Act entitled an Act to vacate certain streets, lanes, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco, for commercial purposes, and other matters relating thereto, approved March thirtieth, eighteen hundred and seventy-two, approved March eleventh, eighteen hundred and seventy-four—and report the same back, without recommendation.

Also, have considered Senate Bill No. 122—An Act supplementary to and amendatory of an Act, approved March thirtieth, eighteen hundred and seventy-four, entitled an Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to convey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirteenth, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy—and recommend that it do not pass.

Also, Senate Bill No. 605—An Act for the relief of George H. Eggers and others—and recommend that it do not pass.

Also, have considered Senate Bill No. 606—An Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a labor school in and for said city and county—and recommend that it do not pass.

Also, have considered Senate Bill No. 607—An Act to amend section four of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of, etc.—and recommend that it do not pass.

Also, have considered Assembly Bill No. 488—An Act to change and modify the grade and to provide for the grading and regrading of Montgomery Avenue and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco—and recommend the passage of the same.

Also, have considered Senate Bill No. 618—An Act amendatory of and supplementary to an Act to establish water rates in the City and County of San Francisco, approved March, eighteen hundred and seventy-six—and recommend the passage of the same.

Also, have considered Senate Bill No. 619—An Act to authorize the Board of Supervisors of the City and County of San Francisco to allow and order paid certain claims—and recommend the passage of the same.

Also, have considered Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco—and recommend the passage of the same as amended.

Also, have considered Senate Bill No. 355—An Act to open and establish a public street in the City and County of San Francisco, to be called Seventh street, and to take private property therefor, and to grade, macadamize, and improve a portion of Seventh street—and recommend the passage of the same as amended.

ROACH, Chairman.

Mr. Donovan moved to suspend the rules, to take up for consideration Senate Bill No. 355, above reported.

Lost.

Mr. Howe moved to suspend the rules, to take up Assembly Bill No. 292, above reported, and that it be placed second on the special file.

Lost.

Mr. Lewis, Chairman of the Judiciary Committee, submitted the following report:

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 423—An Act to amend section four thousand three hundred and seventy-three of the Political Code, concerning vacancies in city offices:

Also, Senate Bill No. 546—An Act to confer certain powers upon the Directors of the Deaf, Dumb, and Blind Asylum—have had the same under consideration, and recommend their passage.

Also, Assembly Bill No. 577—An Act to amend section one hundred and thirty-four of the Code of Civil Procedure—and a majority of the committee recommend its passage.

Also, Senate Bill No. 503—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—and herewith report a substitute therefor, and recommend the passage of the substitute.

Also, Senate Bill No. 543—An Act to amend an Act entitled an Act to amend an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two—and have proposed amendments thereto, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 357—An Act to amend section seventy-two of the Civil Code, in reference to marriages—and a majority of the committee recommend that the same do not pass.

Also, Senate Bill No. 556—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—and recommend that the same do not pass.

Also, Senate Bill No. 544—An Act to amend sections five hundred and seventy-eight, five hundred and eighty, and five hundred and eighty-one of the Political Code—and a majority of the committee recommend that the same do not pass.

Also, Senate Bill No. 434—An Act to amend sections three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, and three thousand six hundred and thirty of the Political Code—and recommend that the same do not pass.

Also, Assembly Bill No. 599—An Act to add another section to the Penal Code, to be known as section four hundred and two—and recommend that the same do not pass.

Also, Assembly Bill No. 600—An Act to add another section to the Penal Code, to be known as section three hundred and eighteen—and recommend that the same do not pass.

Also, Senate Bill No. 588—An Act to amend section three thousand four hundred and sixty-six of the Political Code—and propose a substitute therefor, and recommend the passage of the substitute.

Also, Senate Bill No. 625—An Act to authorize the compromise of certain litigation concerning a portion of the water-front of the City and County of San Francisco—and propose a substitute therefor, and recommend the passage of the substitute.

Also, Senate Bill No. 509—An Act to authorize the owners of the land in Levee District Number Five, Sutter County, to organize under the general swamp land laws of the State—and have proposed an amendment thereto, and recommend that the bill, as amended, do not pass.

Also, Senate Bill No. 393—An Act to confirm certain letters patent of the State of California to W. F. Montgomery and others—and have proposed amendments thereto, and a majority of the committee recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 357—An Act to cure certain defects in the application for the purchase of lands and to confirm land titles:

Also, Senate Bill No. 599—An Act to amend certain sections, to repeal certain sections, and to add new sections to the Political Code, relative to the State Printer:

Also, Senate Bill No. 539—An Act to amend sections nine hundred and thirty-three, nine hundred and thirty-four, one thousand four hundred and twenty-six, and one thousand four hundred and twenty-seven of the Penal Code:

Also, Senate Bill No. 507—An Act to establish a Court of Arbitration of the Chamber of Commerce of San Francisco:

Also, Senate Bill No. 582—An Act to provide for partition fences in certain cases:

Also, Senate Bill No. 587—An Act to authorize George K. Porter to sue the State:

Also, Assembly Bill No. 489—An Act to provide for a recount of the vote at general elections in the City and County of San Francisco;

Also, Senate Bill No. 613—An Act to amend section six hundred and fifty-nine of the Code of Civil Procedure:

Also, Senate Bill No. 616—An Act defining the Third, Twelfth, and Fifteenth Judicial Districts:

Also, Senate Bill No. 623—An Act to repeal section six hundred and sixty-one of the Civil Code:

Also, Senate Bill No. 221—An Act to revise the road laws of Merced County, and to create the office of Road Commissioner;

Also, substitute for Senate Bill No. 221—An Act to revise the road laws of Merced County, and to create the office of Road Commissioner, and provide for its duties;

Also, Senate Bill No. 18—An Act to grant further powers to the Board of State Harbor Commissioners;

Also, Senate Bill No. 230—An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto;

Also, Senate Bill No. 579—An Act to amend section five hundred and forty-two of the Code of Civil Procedure:

Also, Senate Bill No. 578—An Act to amend section three hundred and four of the Civil Code;

Also, Senate Bill No. 576—An Act to amend section three hundred and seventeen of the Penal Code, and to add a new section to said Code;

Also, Senate Bill No. 573—An Act to provide additional records in the County Clerk's office in the City and County of San Francisco, and to renew certain records therein;

Also, Assembly Bill No. 393—An Act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and forty-seven of the Political Code, and to add additional sections thereto;

Also, Assembly Bill No. 614—An Act to amend section three thousand three hundred and eighty of the Political Code of the State of California;

Also, Assembly Bill No. 505—An Act to amend section nine hundred and eight of the Code of Civil Procedure, concerning appeals to County Courts;

Also, Assembly Bill No. 473—An Act supplementary to an Act to amend an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain Acts in relation thereto, approved March fifth, eighteen hundred and seventy;

Also, Assembly Bill No. 545—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered two hundred and thirty-three and to follow section two hundred and thirty-two of said Code, relating to juries;

Also, Assembly Bill No. 502—An Act to authorize the President and Secretary of the Exempt Fire Company of the City and County of San Francisco to administer oaths in certain cases;

Also, Assembly Bill No. 506—An Act to repeal section three thousand four hundred and eight of the Political Code;

Also, Assembly Bill No. 457—An Act to legalize certain notarial acknowledgments in Napa County;

Also, Assembly Bill No. 537—An Act to ratify and confirm a certain conveyance made by the Board of Trustees of the City of San Diego;

Also, Assembly Bill No. 443—An Act to amend section three hundred and ninety-seven of the Penal Code;

Also, Assembly Bill No. 507—An Act to amend section two hundred and fifty-eight of the Code of Civil Procedure, concerning Court Commissioners;

Also, Assembly Bill No. 442—An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to the time when the County Treasurer of Modoc County shall make a settlement;

Also, Assembly Bill No. 495—An Act to amend section five hundred and thirty-two of the Penal Code;

Also, Assembly Bill No. 558—An Act to authorize the City of Oakland to condemn certain lands for wharf and other purposes;

Also, Assembly Bill No. 66—An Act to regulate fares and sale of tickets on street railroads in the City and County of San Francisco;

And report all the same back, without recommendation.

LEWIS, Chairman.

By Mr. Roach :

MR. PRESIDENT: The San Francisco delegation ask for further time on the following bills: Assembly Bills Nos. 463 and 576, and Senate Bill No. 614.

ROACH, Chairman.

Further time was granted.

By Mr. Craig :

SENATE CHAMBER,  
SACRAMENTO, March 23d, 1876. )

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 575—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 460—An Act to revise an Act entitled an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government, approved March twenty-sixth, A. D. eighteen hundred and seventy-four.

CRAIG, for Committee.

SENATE CHAMBER,  
SACRAMENTO, March 23d, 1876. )

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 492—An Act supplementary to an Act, approved March thirtieth, eighteen hundred and seventy-four, and entitled an Act to abolish the Board of City Hall Commissioners, and to provide for the continuance of the construction of the City Hall of the City and County of San Francisco.

Also, Senate Bill No. 491—An Act relating to fees and salaries of certain officers in Yuba County.

Also, Senate Bill No. 383—An Act to incorporate the Town of Livermore, Alameda County.

CRAIG, for Committee.

## ASSEMBLY MESSAGES.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 23d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 549—An Act making appropriations for deficiencies in the payment of armory rents and other expenses of the National Guard of California, as provided by law, for the twenty-fifth, twenty-sixth, and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six. \*

Also, substitute for Assembly Bill No. 390—An Act to amend the Political Code, and to reduce the expense of the National Guard.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 23d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 745—An Act to confer further powers on the Board of Trustees of Sacramento City.

Also, adopted Assembly Concurrent Resolution No. 48—Relative to the payment of Fabian Kunhardt, for services in translating the inaugural address of Governor Irwin into Spanish.

Also, passed Senate Bill No. 589—An Act to enable the City of Stockton to redeem its bonds falling due during the year eighteen hundred and seventy-six.

Also, indefinitely postponed Senate Bill No. 276—An Act to compel the retraction of false or defamatory articles in newspapers or serial publications.

Also, that the Assembly refused to recede from its amendments to Senate Bill No. 43, and the Speaker appointed Messrs. Blackwell, Garretson, and Nott, on the part of the Assembly, as a Committee of Conference on same.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 549 and 390, above reported, read first and second times and referred to the Committee on Finance.

Assembly Bill No. 745, above reported, read first and second times and referred to the delegation named in the bill.

Assembly Concurrent Resolution No. 48, above reported, concurred in.

Senate Bill No. 43, above reported. The Chair appointed, as a Committee of Free Conference on the part of the Senate, on the disagreeing vote between the Senate and Assembly, Messrs. McGarvey, Hill, and Laine.

## GENERAL FILE.

On motion of Mr. Evans, Assembly Bill No. 73 was taken up first for consideration.

Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District.

Mr. Shirley presented several petitions in favor of the passage of the bill.

At twelve o'clock and thirty minutes p. m., on motion of Mr. Evans, the hour of recess was temporarily postponed.

## RECESS.

At twelve o'clock and thirty-five minutes p. m. the Senate took a recess.



## RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.  
 President pro tem. in the chair.  
 Roll called, and a quorum present.  
 Mr. O'Connor submitted a report as follows:

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 170—An Act to appropriate the money paid out, and laid up by the State from the contractor of the Pollock Prison, for the payment of expensible sundries for materials and supplies furnished, and for work and labor done at said prison:

Aye, Senate Bill No. 170—An Act to pay claims for subsisted materials used in the construction of the Branch Prison at Folsom—and would report the bill back, without recommendation.

Aye, Senate Bill No. 111—An Act to pay the money of George W. Whitlock—and would report the same back, with amendments, and recommend its passage as amended.

O'CONNOR, Chairman.

## SPECIAL ORDER RESUMED.

## Assembly Bill No. 73 continued.

Reported from the Committee of the Whole with a substitute.

On adopting the substitute, the ayes and noes were demanded by the requisite number, and the Senate refused to adopt it, by a vote as follows:

AYES—Messrs. Ingraham, Edgerton, Fraser, Hendricks, Hildorn, Hopkins, Howe, Lewis, McCarthy, O'Connor, Pierson, Roach, Rogers, Satterwhite, and Tinnin—15.

NOES—Messrs. Angell, Bartlett, Beaman, Bush, Evans, Farley, Graves, Hall, Lindsey, Lindsey, McCarney, Montgomery, Numan, Shirley, Spencer, and Turner—18.

## Mr. Lewis moved a call of the Senate.

On which the ayes and noes were demanded by the requisite number, and the call was ordered, by a vote as follows:

AYES—Messrs. Angell, Edgerton, Fraser, Graves, Hendricks, Hildorn, H.H., Hopkins, Lindsey, Lewis, McCarney, McCarney, Montgomery, Roach, Shirley, Spencer, and Turner—21.

NOES—Messrs. Bartlett, Beaman, Bush, Ingraham, Lindsey, Evans, Farley, Howe, Lindsey, McCarney, Montgomery, Rogers, Shirley, and Tuttle—14.

By general consent, further proceedings under the call were dispensed with.

## Assembly Bill No. 73 continued.

Read third time.

On the passage of the bill, the ayes and noes were demanded by the requisite number, and it passed, by a vote as follows:

AYES—Messrs. Angell, Beaman, Bush, Ingraham, Evans, Evans, Farley, Graves, Hall, Howe, Lindsey, Lindsey, McCarney, Montgomery, Montgomery, Roach, Shirley, Spencer, and Turner—19.

NOES—Messrs. Bartlett, Edgerton, Fraser, Graves, Hendricks, Hildorn, Hopkins, Lewis, McCarthy, Numan, O'Connor, Pierson, Rogers, Satterwhite, Tinnin, and Tuttle—16.

## Mr. Eakin, by leave, offered a resolution as follows:

*Resolved by the Senate, the Assembly, concurring.* That the Enrolling Clerk of the Senate be and he is hereby authorized and directed to make the following correction in Senate Bill No. 465. Strike out in line four, section three of the bill as enrolled, the words "at such annual election," and insert in lieu thereof "biennially."

Adopted.

Mr. Roach, by leave, submitted a report as follows:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 403—An Act authorizing and providing for appropriations and expenditure of money for certain public purposes in the City and County of San Francisco, by the Board of Supervisors thereof—have had the same under consideration, and recommend its passage.

ROACH, Chairman.

Mr. Edgerton, for the delegation, verbally reported Assembly Bill No. 745—An Act to confer further powers on the Board of Trustees of Sacramento City—recommending its passage.

Mr. Shirley, for the delegation, verbally reported Assembly Bill No. 731—An Act to prevent stock from running at large upon the roads and highways in the County of Marin—recommending its passage.

Rules suspended, and the bill taken up for consideration.

Read third time and passed.

Mr. Hill, for the delegation, verbally reported Assembly Bill No. 587—An Act to authorize the Board of Supervisors of Lake County to levy a special tax—recommending its passage.

On motion of Mr. Edgerton, the rules were suspended, and Senate Bill No. 551 taken from the general file for consideration.

Senate Bill No. 551—An Act to amend section three thousand eight hundred and twenty of the Political Code.

Amendment concurred in.

Considered engrossed, read third time, passed, and ordered to the Assembly immediately without engrossment.

On motion of Mr. Pierson, the rules were suspended, to take from the general file Senate Bill No. 529 for consideration.

Senate Bill No. 529—An Act supplementary to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and the Acts amendatory thereof and supplementary thereto.

Substitute adopted.

Considered engrossed, read third time, passed, and ordered to the Assembly immediately without engrossment.

On motion of Mr. McCoppin, the rules were suspended, to take from the general file Senate Bill No. 504 for consideration.

Senate Bill No. 504—An Act to authorize corporations to own and improve the lots and houses in which their business is carried on.

Considered engrossed, read third time, passed, and ordered to the Assembly immediately without engrossment.

Mr. Martin, by leave, offered a resolution as follows:

*Resolved*, That the Enrolling Clerk of the Senate be and he is hereby authorized to appoint one additional deputy clerk, the per diem to be paid out of the appropriation for the contingent expenses of the Senate.

Referred to the Committee on Contingent Expenses.

Mr. Timmin, by leave, offered a resolution as follows:

*Resolved*, That the Enrolling Clerk be authorized to procure the assistance of the Assistant Copying Clerks, without additional compensation.

Adopted.

Mr. Gibbons, by leave, offered a resolution as follows:

*Resolved*, That no member shall speak longer than five minutes, nor more than twice, at the night sessions of the Senate, upon any local bill that may be then under consideration.

Rules suspended, and the resolution adopted.

RECESS.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Evans, the Senate took a recess until seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

Mr. Nunan, by leave, withdrew Senate Bill No. 605—An Act for the relief of George W. Eggers.

Also, substitute for Senate Bills Nos. 134 and 332, and Assembly Bill No. 182.

Mr. Howe, by leave, introduced a bill as follows: An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams.

Read first and second times and referred to the San Francisco delegation.

Mr. Beazell submitted the following report:

MR. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 442—An Act to limit the powers of the Board of Supervisors of Alameda County, with reference to contracting debts and levying taxes for county purposes—report the same back, and recommend that it do not pass.

Also, have had under consideration Assembly Bill No. 661—An Act to amend an Act entitled an Act regulating the collection of delinquent taxes in the County of Alameda, approved April fourth, eighteen hundred and seventy—report the same back, and recommend its passage.

BEAZELL, for Delegation.

Rules suspended, and the bills above reported taken up for consideration.

Assembly Bill No. 442.

Indefinitely postponed.

Assembly Bill No. 661.

Read third time and passed.

Mr. Donovan submitted a report as follows:

MR. PRESIDENT: The Committee on Public Buildings and Grounds, to whom was referred Senate Bills Nos. 34, 194, 559, and Assembly Bill No. 117, would report as follows:

Senate Bill No. 34—An Act for the improvement of the State Capitol grounds—that it do not pass.

Senate Bill No. 194—An Act to enable the Board of Trustees of Snelling School District, in the County of Merced, to provide for the payment of the building debt in said school district—report it back, without recommendation.

Senate Bill No. 559—An Act to provide for furnishing the interior of the State Capitol—report that it do not pass.

Assembly Bill No. 117—An Act to provide for the safety of persons attending public assemblies—report it back, with amendments, and recommend its passage as amended.

DONOVAN, for Committee.

Mr. Graves, for the delegation, verbally reported Assembly Bill No. 732—An Act to make applicable a certain Act to San Luis Obispo County;

Also, Assembly Bill No. 681—An Act concerning the terms of the County Court of the County of Ventura;

Also, Assembly Bill No. 703—An Act confirming to the Santa Bar-

bara Cemetery Association a deed of conveyance made by the Town of Santa Barbara—recommending the passage of the bills.

Mr. Edgerton, for the delegation, verbally reported Senate Bill No. 592—An Act to amend an Act entitled an Act to regulate the fees of office and to fix the compensation of county officers in the County of Sacramento—recommending its passage.

#### SPECIAL FILE.

Senate Bill No. 75—An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda, approved March thirtieth, eighteen hundred and seventy-four.

Laid on the table.

Senate Bill No. 347—An Act to regulate the rates at which water shall be sold in the City and County of San Francisco.

Indefinitely postponed.

Assembly Bill No. 183—An Act to authorize Grant I. Taggart, former Clerk and Recorder of Shasta County, to certify and sign certain records.

Amended.

Read third time and passed.

Assembly Bill No. 368.

Referred to the Santa Clara delegation.

Assembly Bill No. 277—An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of Kings River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two.

Amendments concurred in.

Read third time and passed.

Senate Bill No. 311—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint and license Public Weighers for said city and county.

Mr. Howe moved to indefinitely postpone the bill.

Lost.

Amendments concurred in.

Mr. Bartlett moved to suspend the rules, to consider the bill engrossed, and place it on its third reading and passage.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, two-thirds failing to vote in the affirmative:

AYES—Messrs. Angney, Bartlett, Bush, Edgerton, Evans, Flint, Gibbons, Graves, Hendricks, Hopkins, Laine, Lewis, Lindsey, Martin, McCarthy, Montgomery, Pierson, Shirley, Spencer, and Tuttle—20.

NOES—Messrs. Craig, Donovan, Eakin, Farley, Fraser, Hill, Howe, McCoppin, McGarvey, Nunan, O'Connor, Roach, Rogers, Satterwhite, Tinnin, and Turner—16.

The bill was ordered engrossed.

Assembly Bill No. 45—An Act supplementary to an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

Amendments concurred in.

Read third time and passed.

Title amended.



Assembly Bill No. 58—An Act concerning roads in the County of Humboldt.

Amendments concurred in.

Read third time and passed.

Senate Bill No. 466—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-ninth, eighteen hundred and seventy-two.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 321—An Act to regulate fares and the sale of tickets by street railroad companies in the City and County of San Francisco.

Mr. Pierson moved to refer the bill to the Judiciary Committee.

On which the ayes and noes were demanded by Messrs. McCoppin, Craig, and Howe, and the motion prevailed, by a vote as follows:

AYES—Messrs. Beazell, Bush, Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Hendricks, Hill, Lewis, Martin, McCarthy, Montgomery, Pierson, Roach, Satterwhite, Shirley, and Timin—21.

NOES—Messrs. Anguey, Bartlett, Donovan, Eakin, Howe, Laine, Lindsey, McCoppin, McGarvey, Nunan, O'Connor, Rogers, and Tuttle—13.

Senate Bill No. 320—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 402—An Act to provide for the opening, filling, grading, and macadamizing of Fifteenth Avenue, in the City and County of San Francisco.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 234—An Act to provide for the recovery of double taxation on outside lands of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Senate Bill No. 438 passed on file.

Assembly Bill No. 341—An Act to grant land for the right of way to the Arcata Transportation Company.

Amendments concurred in.

Amended.

Read third time and passed.

Senate Bill No. 500—An Act in relation to the duties of County Recorder in and for the County of Napa.

Indefinitely postponed.

Senate Bill No. 479—An Act prohibiting the sale of intoxicating liquors within two miles of College City, Colusa County, California.

Amended.

Rules suspended, considered engrossed, read third time, and passed.

Title amended.

Assembly Bill No. 461—An Act to provide for the payment of official reporters in certain cases in Humboldt County.

Indefinitely postponed.

Mr. Craig moved to suspend the rules, to take up Assembly Bill No. 292, and that the bill be ordered at the head of the special file for to-morrow.

Lost.

Senate Bill No. 302 passed on file until to-morrow night.

Assembly Bill No. 479—An Act to repeal section two of an Act

entitled an Act fixing the compensation of certain officers of the County of Humboldt, approved February seventeenth, eighteen hundred and seventy-four.

Indefinitely postponed.

Assembly Bill No. 480—An Act to make applicable certain provisions of the Political Code to the County of Humboldt.

Amended.

Read third time and passed.

Mr. Edgerton was permitted to temporarily withdraw the papers in relation to the Montgomery patent.

Senate Bill No. 363—An Act to provide homes for homeless children in the City and County of San Francisco.

Amendment concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 554—An Act concerning road poll-taxes in Tehama County.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 531—An Act to authorize the Board of Supervisors of Napa County to construct a new road, to improve the Howell Mountain grade.

Indefinitely postponed.

Assembly Bill No. 486 passed on file.

#### ADJOURNMENT.

At ten o'clock and fifteen minutes p. m., Mr. Evans moved to adjourn.

On which the ayes and noes were demanded by Messrs. Evans, Pierson, and Craig, and the motion prevailed, by a vote as follows:

AYES—Messrs. Bartlett, Beazell, Craig, Edgerton, Evans, Flint, Hopkins, Howe, Laine, Lewis, Martin, McCarthy, McGarvey, Montgomery, O'Connor, Pierson, Roach, Satterwhite, Shirley, Turner, and Tuttle—21.

NOES—Messrs. Angney, Donovan, Fraser, Gibbons, Hendricks, Hill, Lindsey, McCoppin, Nunan, and Rogers—10.

#### IN SENATE.

SENATE CHAMBER, }  
Friday, March 24th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

Mr. Evans moved a suspension of the rules, to order Senate Bill No. 466, passed on yesterday, to the Assembly without engrossment.

So ordered.

#### REPORTS.

By Mr. Eakin:

MR. PRESIDENT: The Committee on Roads and Highways have had under consideration Assembly Bill No. 655—An Act to repeal an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare—approved March sixth,

eighteen hundred and seventy-four, and to make applicable to said county certain provisions of the Political Code—and have amended the same, and return the same, recommending its passage as amended.

EAKIN, Chairman.

Rules suspended, and the bill above reported taken up for consideration.

Read third time and passed.

Mr. Lewis, by leave, introduced a bill as follows: An Act to incorporate the Town of Red Bluff, Tehama County, California.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time, passed, and ordered to the Assembly immediately without engrossment.

By Mr. Fraser:

MR. PRESIDENT: The El Dorado delegation, to whom was referred Assembly Bill No. 415—An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of said county—have had the same under consideration, and herewith report the same back, with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Assembly Bill No. 717—An Act to amend an Act entitled an Act to create a Board of Auditors for El Dorado County, and fix the powers thereof, approved March thirtieth, eighteen hundred and seventy-four—have had the same under consideration, herewith report the same back, and recommend its passage.

FRASER, for Delegation.

Rules suspended, and the bills above reported taken up for consideration.

Assembly Bill No. 415.

Amendments concurred in.

Read third time and passed.

Assembly Bill No. 717.

Read third time and passed.

Mr. O'Connor, by leave, introduced a bill as follows: An Act amendatory of an Act entitled an Act authorizing the appointment of certain employes of the State Capitol, and fixing their compensation, approved March thirtieth, eighteen hundred and seventy-four.

Read first and second times.

On motion of Mr. O'Connor, the bill was referred to the Committee on Retrenchment, with instructions to report the same to-morrow morning.

Mr. Tuttle, for the Committee on Education, verbally reported Senate Bill No. 118—An Act to supply free text-books to the pupils of the common schools of this State, and to abolish the Board of Regents of the State University and the present State Board of Education, and to create in lieu thereof a new State Board of Education—without recommendation.

Also, from the Sonoma delegation, Senate Bill No. 600—An Act to provide for the improvement of the navigation of Sonoma Creek—without recommendation.

Also, Senate Bill No. 581—An Act in relation to Swamp Land Districts Numbers Two Hundred and Two, Two Hundred and Four, Two Hundred and Forty-six, and Two Hundred and Forty-seven—with a substitute, recommending the adoption of the substitute, and without further recommendation.

Also, Assembly Bill No. 733—An Act to amend an Act entitled an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma, approved March sixteenth, eighteen hundred and seventy-four—recommending the passage of the bill.

Mr. Farley submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, March 23d, 1876. }

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 426—An Act to authorize the City of Oakland to construct a bridge across the estuary of San Antonio, between Eighth and East Ninth streets—have had the same under consideration, and report it back, with an amendment, and recommend the adoption of the amendment, and the passage of the bill as amended.

Also, Assembly Bill No. 378—An Act to incorporate the City of Monterey—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 657—An Act to incorporate the Town of Colusa—report the same back, with amendments, recommend the adoption of the amendments, and the passage of the bill as amended.

Also, Senate Bill No. 603—An Act to amend an Act entitled an Act concerning street railroads, approved March twenty-ninth, eighteen hundred and seventy—report the same back, with amendments, recommend the adoption of the amendments, and the passage of the bill as amended.

FARLEY, Chairman.

Rules suspended, and Assembly Bill No. 426, above reported, taken up for consideration.

Amendments concurred in.

Read third time and passed.

Mr. Graves, by leave, offered a concurrent resolution as follows:

*Resolved by the Senate, the Assembly concurring,* That the Governor be requested to return Senate Bill No. 339, for the purpose of making a clerical correction, and that the Enrolling Clerk be authorized to change the word "construction" to the word "repair," where such word "construction" occurs.

Adopted, and ordered to the Assembly immediately.

Mr. Lewis, from the Judiciary Committee, verbally reported Senate Bill No. 41—An Act authorizing the adjudication of certain claims against the State—without recommendation.

#### SPECIAL ORDER.

The special order set for ten o'clock A. M. was now taken up, being Senate Bill No. 52—An Act making an appropriation to aid exhibitors from the State of California at the Centennial Exhibition, to be held in the City of Philadelphia, in July, eighteen hundred and seventy-six.

At eleven o'clock and thirty minutes A. M., on motion of Mr. Craig, the special order set for this hour was postponed until the bill under consideration was disposed of.

#### RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

#### RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

Mr. Pierson, for the Committee on Internal Improvements, verbally reported Senate Bill No. 424—An Act in relation to the State Burying-grounds—recommending its passage.

Subsequently taken up for consideration, under suspension of the rules.



### Amendments concurred in.

Considered engrossed, read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Angney, Edgerton, and Lindsey, and it passed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Edgerton, Flint, Fraser, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, Pierson, Roach, Rogers, Spencer, and Turner—16.

NOES—Messrs. Angney, Bartlett, Gibbons, Graves, Laine, Lindsey, McTune, McGarvey, Montgomery, O'Connor, Shirley, Tinnin, and Tuttle—13.

Mr. Roach, by leave, introduced a bill as follows: An Act concerning the Burlingame Treaty.

Read first and second times and referred to the San Francisco delegation.

### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 23d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March seventeenth, passed Assembly Bill No. 89—An Act entitled an Act to create a system of irrigation in the County of Los Angeles.

Also, on March twenty-first, passed Assembly Bill No. 710—An Act to enable the Board of Trustees of the City of Healdsburg to subscribe money to aid in building a seminary or college in said city.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 23d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 752—An Act to create a Board of Public Works in and for the City of Los Angeles.

Also, passed Senate Bill No. 568—An Act for the relief of John Parnell, James Byrnes, and Patrick Ryan.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 23d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 103—An Act to authorize the City and County of San Francisco to provide and maintain public water works for said city and county, and to condemn and purchase private property for that purpose.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 23d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 635—An Act to provide for the furnishing of all books and stationery, of whatever description, free of charge, to the public school children of the City and County of San Francisco.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 23d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 44—An Act for the relief of J. J. Conlin.

Also, Senate Bill No. 325—An Act to enable the Board of Supervisors of Sacramento County to refund certain moneys.

Also, amended and passed Senate Bill No. 521—An Act to provide for the opening and extending of Leidesdorff street, in the City and County of San Francisco.

CAYLAT, Assistant Clerk.

## ASSEMBLY CHAMBER,

SACRAMENTO, March 23d, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted immediately without engrossment, Assembly Bill No. 632—An Act to further regulate the Paid Fire Department of the City and County of San Francisco, and to amend and supplement the several Acts relating thereto.

Also, Assembly Bill No. 668—An Act in relation to certain street improvements in the City and County of San Francisco.

CAYLAT, Assistant Clerk.

## ASSEMBLY CHAMBER,

SACRAMENTO, March 24th, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, adopted Senate Concurrent Resolution No. 45—Authorizing the Enrolling Clerk of the Senate to correct a clerical error in Senate Bill No. 435.

Also, that the Assembly refused to concur in Senate amendment to section forty-six of Assembly Bill No. 73.

Also, concurred in Senate amendment to Assembly Bill No. 404.

O'NEIL, Assistant Clerk.

## ASSEMBLY CHAMBER,

SACRAMENTO, March 24th, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-third, passed Assembly Bill No. 516—An Act to provide for the semi-annual payment of interest and principal of the bonds issued by Modoc to Siskiyou County.

Also, Senate Bill No. 64—An Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same.

Also, Senate Bill No. 286—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Also, Senate Bill No. 348—An Act to provide for the redemption of the outstanding railroad bonds of Butte County.

Also, amended and passed Senate Bill No. 524—An Act to make, open, and establish a public street in the City of Oakland, to be called Fourteenth Avenue, to take private lands therefor, and construct a main sewer therein.

Also, on this date, passed, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 699—An Act declaring Gallinas Slough or Creek, in Marin County, to be navigable.

O'NEIL, Assistant Clerk.

## ASSEMBLY CHAMBER,

SACRAMENTO, March 24th, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 755—An Act to provide for the first election in the Town of Haywards.

Also, on March twenty-third, amended and passed Senate Bill No. 300—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 576, above reported, read first and second times and ordered on file.

Assembly Bills Nos. 89, 755, 752, and 710, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 699, above reported, read first and second times, rules suspended, and, by general consent, read third time, passed, and ordered transmitted to the Assembly immediately.

Assembly Bills Nos. 635, 632, and 668, above reported, each read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 73, above reported, the Senate receded from its amendment to section forty-six of the bill.

Rules suspended, and the bill ordered to the Assembly immediately.

Senate Bill No. 521, above reported, the Senate concurred in the Assembly amendment to the bill.

Senate Bill No. 524, above reported, Assembly amendments to the bill concurred in.

Senate Bill No. 300, above reported, referred to the San Francisco delegation, with instructions to report to-morrow morning.

Mr. Martin submitted a report as follows:

MR. PRESIDENT: The Committee on Public Morals have had under consideration Assembly Bill No. 420—Concerning lodging-houses and sleeping apartments—and report the same back, and recommend its passage.

Also, Senate Bill No. 593—To prevent the violation of the license law—and recommend its passage.

Also, Senate Bill No. 612—To amend section three thousand three hundred and eighty-one of the Political Code—and report the same back, without recommendation.

MARTIN and SPENCER, of the Committee.

By Mr. Craig:

SENATE CHAMBER.

SACRAMENTO, March 24th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 602—An Act to amend section six hundred and twenty-five of the Penal Code.

Also, Senate Bill No. 572—An Act to amend section two hundred and fifty-nine of the Code of Civil Procedure.

Also, Senate Bill No. 532—An Act to amend the Code of Civil Procedure.

CRAIG, for Committee.

#### SPECIAL ORDER RESUMED.

Senate Bill No. 52 continued.

Substitute, appropriating twenty-five thousand dollars for centennial expenses, adopted in Committee of the Whole, concurred in.

Mr. Evans moved to suspend the rules, to consider the bill engrossed, and place it on its third reading and passage.

On which the ayes and noes were demanded by Messrs. Tinnin, McCune, and Angney, and the Senate refused, two-thirds failing to vote in the affirmative:

AYES—Messrs. Craig, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Hendricks, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McCarvey, Numan, Pierson, Reach, Rogers, Spencer, and Turner—22.

NOES—Messrs. Angney, Bartlett, Benzell, Eakin, Gibbons, Graves, Laine, Lindsey, McCune, Montgomery, O'Connor, Satterwhite, Shirley, Tinnin, and Tuttle—15.

The bill was ordered engrossed.

Mr. Evans moved to suspend the rules, to order the bill engrossed out of its order.

On which the ayes and noes were demanded by Messrs. Tinnin, McCune, and Satterwhite, and the Senate refused, two-thirds failing to vote in the affirmative:

AYES—Messrs. Craig, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Hendricks, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McCarvey, Numan, Pierson, Reach, Rogers, Spencer, and Turner—22.

NOES—Messrs. Angney, Bartlett, Benzell, Eakin, Gibbons, Graves, Laine, Lindsey, McCune, Montgomery, O'Connor, Satterwhite, Shirley, Tinnin, and Tuttle—15.

Mr. McCarthy submitted a report as follows:

Mr. President: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 548—An Act to provide for the opening of streets in the City of Oakland.

Also, Senate Bill No. 57—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 473—An Act to widen English street, in the City of Petaluma, and to take private property therefor.

And on this twenty-fourth day of March, eighteen hundred and seventy-six, at two o'clock p. m., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

On motion of Mr. Evans, the special order, being the consideration of the Governor's message, returning without his approval Senate Bill No. 248, was postponed until after the reading of the journal to-morrow morning.

Mr. Laine, for the special committee to whom was referred the questions:

*First*—Whether the Regents of the State University is a legal body?

*Second*—Whether the constitutional limitation of four years for the duration of official terms, applies to said Regents or to any one of them?

*Third*—Whether a judicial officer can legally act as a Regent?

*Fourth*—Whether the conveyance of land heretofore made by said Regents is valid?

Submitted a report in relation to said subject.

The report was ordered printed.

[Mr. Evans in the chair.]

#### SPECIAL ORDER.

Senate Bill Nos. 39, 308, 307, 596, 608;

Senate Bill No. 597—An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code; and

Senate Bill No. 182—An Act to amend an Act entitled an Act to provide for the restoration and preservation of fish in the waters of this State.

Senate Bill No. 597 taken up first for consideration.

Reported from the Committee of the Whole with amendments.

Concurred in.

At four o'clock and forty minutes p. m., Mr. Hilborn moved to adjourn.

On which the ayes and noes were demanded by Messrs. Hilborn, Donovan, and Craig, and the Senate refused, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Beazell, Evans, Flint, Hilborn, Hill, Laine, Lewis, Lindsey, McGarvey, Montgomery, Pierson, Satterwhite, Shirley, and Tuttle—16.

NOES—Messrs. Craig, Donovan, Eakin, Farley, Fraser, Gibbons, Hendricks, Hopkins, Howe, Martin, McCarthy, McCoppin, McCune, Nunan, O'Connor, Roach, Rogers, Spencer, Timin, and Turner—20.

Senate Bill No. 597 further amended.

Rules suspended, considered engrossed, read third time.

On the passage of the bill, the ayes and noes were demanded by the requisite number, and it passed, by a vote as follows:

AYES—Messrs. Craig, Donovan, Eakin, Evans, Farley, Fraser, Gibbons, Hendricks, Hopkins, Howe, Martin, McCarthy, McCoppin, McCune, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Spencer, Timin, and Turner—23.

NOES—Messrs. Anguey, Bartlett, Beazell, Flint, Hilborn, Hill, Laine, Lewis, Lindsey, McGarvey, Satterwhite, Shirley, and Tuttle—13.



Mr. Pierson gave notice of a motion to reconsider the vote by which the bill passed.

Mr. McCarthy submitted the following report:

SENATE CHAMBER,  
SACRAMENTO, March 24th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 380—An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code.

Also, Senate Bill No. 477—An Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall.

Also, Senate Bill No. 525—An Act to enable the Board of Supervisors of Sacramento County to refund certain moneys.

Also, Senate Bill No. 568—An Act for the relief of John Parnell, James Byrnes, and Patrick Ryan.

Also, Senate Concurrent Resolution No. 45—Authorizing the Enrolling Clerk of the Senate to correct a clerical error in Senate Bill No. 435.

And on this twenty-fourth day of March, eighteen hundred and seventy-six, at three o'clock and ten minutes p. m., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

SENATE CHAMBER,  
SACRAMENTO, March 24th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 44—An Act for the relief of J. J. Conlin—and on this twenty-fourth day of March, eighteen hundred and seventy-six, at three o'clock and fifty minutes p. m., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

Mr. Laine, for the Committee on Free Conference appointed to consider the disagreement in reference to Senate Bill No. 43—An Act to add additional sections to the Political Code, concerning the sale of public lands—verbally reported that the joint committee had agreed on a substitute for the whole subject, recommending the adoption of the substitute.

The report was received and adopted.

Substitute brought before the Senate.

Rules suspended, considered engrossed, read third time.

On motion of Mr. Laine, the substitute was ordered at the head of the general file for to-morrow.

On motion of Mr. Tuttle, the rules were suspended, and Senate Bill No. 503 taken from the general file for consideration.

Senate Bill No. 503—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Substitute adopted.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

At five o'clock and twenty minutes p. m., Mr. Lewis moved that the Senate adjourn until ten o'clock a. m. to-morrow.

Lost.

RECESS.

At five o'clock and thirty minutes p. m., on motion of Mr. O'Connor, the Senate took a recess until seven o'clock and thirty minutes p. m.

RE-ASSEMBLED.

At seven o'clock and thirty minutes p. m. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

## SPECIAL FILE.

Assembly Bill No. 266—An Act in relation to Superintendent of Schools of Del Norte County.

Amended.

Read third time and passed.

Senate Bill No. 418—An Act to authorize the City of San José to issue bonds to provide sewerage for said city.

Indefinitely postponed.

Assembly Bill No. 467—An Act to create a special road district in the County of Santa Barbara, and to provide a Road Fund for said district.

Read third time and passed.

Senate Bill No. 536—An Act to authorize the Board of Supervisors of the City and County of San Francisco to transfer the sum of ten thousand dollars from the General Fund to the Building Fund of said city and county.

Amendment concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Title amended.

Assembly Bill No. 487—An Act providing for the refunding of certain bonded indebtedness of the County of Santa Clara.

Read third time and passed.

Assembly Bill No. 37—An Act to regulate street railroads in the City and County of San Francisco.

Indefinitely postponed.

Assembly Bill No. 130—An Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco.

Amended.

Read third time and passed.

Assembly Bill No. 332—An Act to authorize the City Council of the City of Oakland to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company.

Mr. Craig moved to indefinitely postpone the bill.

Lost.

Read third time and passed.

Assembly Bill No. 544—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight.

Read third time and passed.

Assembly Bill No. 458—An Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, eighteen hundred and seventy-four.

Amended.

Read third time and passed.

Senate Bill No. 499—An Act to authorize the Santa Cruz Lime Company to build a wharf in the County of Santa Cruz.

Indefinitely postponed.

Assembly Bill No. 459—An Act to fix the compensation of the Supervisors of San Bernardino County.

Read third time and passed.

Assembly Bill No. 570—An Act to legalize and make valid the transcribed records of San Benito County.

Read third time and passed.

Senate Bill No. 585—An Act to amend an Act entitled an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 540—An Act to authorize the erection and maintenance of a draw-bridge across Petaluma Creek, in the City of Petaluma.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 399—An Act concerning goats in the County of Mariposa.

Indefinitely postponed.

Assembly Bill No. 468—An Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura; also, to change the name of Cañada street, in said town, to that of Ventura Avenue.

Read third time and passed.

Assembly Bill No. 550—An Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.

Read third time and passed.

Assembly Bill No. 613—An Act to provide for the building of a school-house in Meridian School District, in the County of Sutter, State of California.

Read third time and passed.

Senate Bill No. 584—An Act to consolidate the City of Oakland with the Town of Alameda.

Passed on file.

Senate Bill No. 590—An Act to facilitate the construction of a canal for the improvement of Oakland Harbor.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Assembly Bill No. 321—An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten, of Placer County.

Amendment concurred in.

Read third time and passed.

Senate Bill No. 474—An Act to authorize the Board of Education of the City and County of San Francisco to sell certain school property, and to provide for the support of the common schools of said city and county.

Amendment concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Title amended.

Ordered engrossed out of its order.

Senate Bill No. 480—An Act concerning the office of Collector of Licenses for the City and County of San Francisco.

Substitute adopted.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Senate Bill No. 419—An Act to authorize the Board of Trustees of the Town of Colusa to aid in the construction of a branch railroad.

Indefinitely postponed.

Assembly Bill No. 462—An Act to provide for the construction of a wagon road from Grizzly Bluff to Camp Grant, in Humboldt County.

Read third time and passed.

Assembly Bill No. 438—An Act supplementary to an Act entitled an Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County, approved February eleventh, eighteen hundred and seventy-six.

Read third time and passed.

Assembly Bill No. 500—An Act to establish and maintain public and private roads in the County of Santa Cruz.

Ordered at the head of the special file for to-morrow.

Assembly Bill No. 553—An Act to provide for the payment of the debt due upon the Road Fund of Butte County.

Read third time and passed.

Assembly Bill No. 554—An Act in relation to roads and highways in the County of Butte.

Read third time and passed, and ordered to the Assembly immediately.

Assembly Bill No. 305—An Act to amend an Act regulating salaries of certain officers of Mariposa County, approved February seventh, eighteen hundred and seventy-four.

Indefinitely postponed.

Senate Bill No. 456—An Act in relation to the election of county officers in the County of El Dorado.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Assembly Bill No. 10—An Act in relation to the county officers of Colusa County, their fees and salaries.

Referred to the delegation.

Assembly Bill No. 416—An Act in relation to the collection of licenses in Mariposa County.

Amendment concurred in.

Read third time and passed.

Title amended.

Assembly Bill No. 434—An Act to authorize the Board of Supervisors of Mariposa County to pay a certain claim.

Read third time and passed.

Senate Bill No. 293—An Act to enable the County of San Bernardino to incur a debt for public improvement.

Withdrawn by Mr. Satterwhite, its author.

Assembly Bill No. 552—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers in Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.

Amendment concurred in.

Read third time and passed.

Assembly Bill No. 596—An Act to repeal an Act entitled an Act regulating the fees of witnesses in criminal cases in the Counties of Stanislaus and Merced, approved March twenty-seventh, eighteen hundred and seventy-four.

Read third time and passed.

Senate Bill No. 586—An Act for the establishment and maintenance of a branch county jail in the County of Solano.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Assembly Bill No. 242—An Act to protect irrigation, and to make water-rights responsible for expenses incurred on irrigating ditches in San Bernardino County.



Read third time and passed.

Senate Bill No. 615—An Act concerning public records in the office of the County Recorder of San Bernardino County.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 425—An Act concerning public roads in Lassen County.

Amendment concurred in.

Read third time and passed.

Senate Bill No. 574—An Act relative to the government of Sacramento County.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 622—An Act supplemental to an Act entitled an Act to protect agriculture in the County of Calaveras, approved March twenty-fourth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 527—An Act to authorize the payment to B. E. Hunt, or his assigns, for services as teacher in Calistoga School District, Napa County.

Substitute concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 133—An Act to amend section one thousand seven hundred and ninety-two of the Political Code, relating to teachers' certificates.

Indefinitely postponed.

Assembly Bill No. 676—An Act to establish and define the powers and duties of the Board of Education of the City of Santa Rosa, in the County of Sonoma.

Read third time and passed.

Assembly Bill No. 56—An Act concerning the office of Sheriff of Sonoma County; and

Assembly Bill No. 286—An Act to protect salmon trout and brook trout in the streams of Sonoma County.

Each indefinitely postponed.

Assembly Bill No. 530—An Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa.

Amendments concurred in.

Read third time and passed.

Assembly Bill No. 664—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide a bounty for the same, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Stanislaus County.

Read third time and passed.

Assembly Bill No. 526—An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County.

Amendment concurred in.

Read third time and passed.

Assembly Bill No. 574—An Act to change the name of a town in Modoc County.

Amendment concurred in.

Read third time and passed.

Assembly Bill No. 446—An Act to repeal all special laws in relation to roads and highways in the County of Shasta.

Read third time and passed.

Senate Bill No. 530—An Act to incorporate the Town of Martinez, and to provide for the government thereof.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 598—An Act supplementary to an Act to authorize the City of Oakland to obtain a supply of water, passed March thirtieth, eighteen hundred and seventy-four.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Senate Bill No. 397—An Act to amend an Act establishing a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 423—An Act to authorize the Police Judge of the City and County of San Francisco to transfer actions to the Justices' Courts thereof.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Senate Bill No. 470 was, on motion of Mr. McCarthy, ordered number ten on the special file for Monday.

Senate Bill No. 483 was, on motion of Mr. Bartlett, ordered number eleven on the special file for Monday.

Senate Bill No. 441—An Act authorizing the Police Judge's Court and Municipal Criminal Court of the City and County of San Francisco to commit persons convicted of certain crimes to the House of Correction, and to order the transfer of persons confined in the County Jail of said city and county to said House of Correction.

Amendment concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 471—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn private property for that purpose.

Indefinitely postponed.

Senate Bill No. 444—An Act to authorize the San Francisco Street Sprinkling Company to sprinkle certain streets in the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 404—An Act to establish a female department of the County Jail in the City and County of San Francisco.

Withdrawn by Mr. Nunan, the author, by consent.

Senate Bill No. 528 passed on file.

Senate Bill No. 545—An Act to amend an Act entitled an Act repealing Article IV. of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV., approved April first, eighteen hundred and seventy-two.

Withdrawn by Mr. Nunan, the author, by general consent.

Assembly Bill No. 380—An Act for the appointment of an Inspector of Stationary Steam Boilers and Steam Tanks, and for the better security of life and property in the City and County of San Francisco.

Read third time and passed.

Assembly Bill No. 469—An Act to continue the existence of the Crescent City Plank Road and Turnpike Company.

Withdrawn by Mr. McGarvey, by consent.

Senate Bill No. 569—An Act supplemental to an Act entitled an Act to provide for the improvement of public parks in the City and County of San Francisco, approved April fourth, eighteen hundred and seventy, and to another Act amendatory of and supplemental to the same, approved March thirtieth, eighteen hundred and seventy-two, and also supplemental to an Act entitled an Act concerning certain public reservations of the City and County of San Francisco, approved March eleventh, eighteen hundred and seventy-four.

Substitute adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, and passed.

#### ADJOURNMENT.

At nine o'clock and fifty-five minutes P. M., on motion of Mr. Edgerton, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER.

Saturday, March 25th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

During the reading of the journal of yesterday, on motion of Mr. Bush, further reading of the same was dispensed with and approved.

Mr. Rogers, by leave, submitted a report as follows:

MR. PRESIDENT: The Committee on Contingent Expenses have had sundry claims under consideration, and report back the same, and recommend the adoption of the following resolution:

*Resolved*, That Justin Gates be allowed five dollars and fifty cents, for sundries; C. M. Tucker, six dollars, for serving summons; Bush Bros., three dollars and fifty cents, for lead weights; Pacific Ice Company, thirteen dollars and fifty cents, for ice; C. H. Krebs, four dollars, for painting; and W. L. McEwen, forty dollars, for witness fees and mileage; to be paid out of the appropriation for contingent expenses of the Senate.

ROGERS, Chairman.

The resolution was adopted.

By Mr. Roach:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 300—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco—have considered the same, and recommend non-concurrence in amendments as adopted by the Assembly, except the last amendment.

ROACH, Chairman.

The report was adopted.

#### SPECIAL ORDER.

Saturday, March twenty-fifth, at ten o'clock A. M. Governor's message, returning Senate Bill No. 248 without approval.

Upon the question, "Will the Senate pass the bill, notwithstanding the objections of the Governor?" the roll was called, and the Senate refused to pass the bill over the Governor's veto, by a vote as follows:

Ayes—Messrs. Anguey, Bartlett, Bush, Evans, Fraser, Howe, Laine, Lindsey, McCune, Timmin, and Turner—11.

Noes—Messrs. Craig, Donovan, Edgerton, Farley, Flint, Gibbons, Graves, Hendricks, Hopkins, Lewis, Martin, McCarthy, McCoppin, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, and Tuttle—23.

Mr. O'Connor moved that the Committee on Retrenchment be instructed to report Senate Bill No. 628—An Act in reference to the appointment of certain employés of the State Capitol.

So ordered.

Mr. Laine, Chairman of the Retrenchment Committee, verbally reported Senate Bill No. 628, without recommendation.

On motion of Mr. Edgerton, the rule requiring the general file to be taken up as a special order was postponed, in order to go through with the regular order of business.

#### REPORTS.

Reports were submitted as follows:

By Mr. Roach:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 629—An Act concerning the Burlingame Treaty—have considered the same, and recommend its passage as amended.

Also, have considered Senate Bill No. 626—An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams—and recommend the passage of the same.

Also, have considered Assembly Bill No. 567—An Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction—and recommend its reference to the Judiciary Committee.

Also, have considered Assembly Bill No. 635—An Act to provide for the furnishing of books and stationery, of whatever description, free of charge, to the public school children of the City and County of San Francisco—and recommend the passage of the same as amended.

ROACH, Chairman.

Assembly Bill No. 567, above reported, referred to the Judiciary Committee.

On motion of Mr. Howe, the rules were suspended, and Senate Bill No. 629, above reported, was taken up for consideration.

Amendment concurred in.

Mr. Bartlett moved to amend section one by striking out "Mayor of the City of San Francisco, to be approved by the Board of Supervisors," and inserting "the Governor."

Lost.

Further amended.

On motion of Mr. Howe, the rules were suspended, and the bill considered engrossed and placed on its third reading and passage.

Read third time and passed, and ordered to the Assembly immediately without engrossment.

Mr. Gibbons, for the delegation, verbally reported Assembly Bill No. 755—An Act to provide for the first election in the Town of Haywards—recommending its passage.

Rules suspended, and the bill taken up for consideration.

Read third time and passed.



Mr. Nunan, for the Committee on State and County Revenue, verbally reported Senate Bill No. 580—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four—without recommendation.

By Mr. Montgomery:

MR. PRESIDENT: The delegation to whom was referred Assembly Bill No. 746, report the same back, without amendments, and recommend its passage.

MONTGOMERY, for Delegation.

Mr. Laine, for delegation, verbally reported Assembly Bill No. 368—An Act supplemental to an Act to incorporate the Santa Clara Valley Agricultural Society, approved March twelfth, eighteen hundred and fifty-nine—recommending that the bill do not pass.

Rules suspended, and the bill indefinitely postponed.

Mr. Tuttle, for the delegation, verbally reported Assembly Bill No. 710—An Act to enable the Board of Trustees of the City of Healdsburg to subscribe money to aid in building a seminary or college in said city—recommending its passage.

By Mr. Roach:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 632—An Act to further regulate the Paid Fire Department of the City and County of San Francisco, and to amend and supplement the several Acts relating thereto—have considered the same, and recommend that the same be printed.

ROACH, Chairman.

On motion of Mr. Bartlett, the bill above reported was ordered printed and re-referred to the delegation.

By Mr. Craig:

SENATE CHAMBER.

SACRAMENTO, March 25th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 314—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint and license Public Weighers for said city and county.

Also, Senate Bill No. 320—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco.

CRAIG, for Committee.

#### GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 24th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 109—An Act to authorize the widening of Dupont street, in the City of San Francisco.

Also, Senate Bill No. 143—An Act to regulate contracts on behalf of the State in relation to erections and buildings.

Also, Senate Bill No. 570—An Act to provide for opening streets in the Town of Alameda.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 23d, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 37—An Act to amend section two hundred and forty-three of the Penal Code.

Also, Senate Bill No. 324—An Act to prevent goats running at large in the Town of Folsom, County of Sacramento.

Also, Senate Bill No. 317—An Act to extend the franchise granted to J. E. Davis and H. P. Jordan, and others, to construct a wharf in Santa Cruz.

Also, Senate Bill No. 360—An Act concerning the salary of the District Attorney of San Bernardino County.

Also, Senate Bill No. 448—An Act to authorize the Supervisors of San Bernardino County to levy a tax to pay for the building of the Court-house.

Also, Senate Bill No. 533—An Act conferring certain powers on the Board of Supervisors of Stanislaus County in employing special counsel in certain cases.

Also, Senate Bill No. 561—An Act to extend the time for selling property for delinquent taxes in the County of Alpine.

WILLIAM IRWIN, Governor

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 24th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-second, passed Assembly Bill No. 582—An Act to repeal an Act entitled an Act supplementary to the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 584—An Act to repeal part of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March eighteenth, eighteen hundred and seventy.

Also, Assembly Bill No. 586—An Act to amend an Act entitled an Act amendatory of and supplementary to an Act, approved April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento, approved March sixth, eighteen hundred and seventy-two.

Also, on this date, adopted Assembly Joint Resolution No. 51—Relative to printing testimony taken before the Senate and Assembly Committee on Public Buildings and Grounds.

Also, concurred in Senate Concurrent Resolution No. 46—Requesting the return of Senate Bill No. 339, and to correct an error in said bill.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 24th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed substitute for Senate Bill No. 24—An Act in relation to public roads in the County of Sacramento.

Also, amended and passed Senate Bill No. 145—An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code, and to add a new section thereto, to be numbered section two thousand nine hundred and fifty-five.

Also, that the Assembly concurred in Senate amendments to Assembly Bills Nos. 277, 341, 183, 730, and 58.

Also, refused to concur in Senate amendment to section two of Assembly Bill No. 45.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 582, 584, 586, and 45, above reported, read first and second times and referred to the delegations named in the bills.

Assembly Concurrent Resolution No. 51, above reported, concurred in.

Senate Bill No. 24, above reported, referred to the Sacramento delegation.

Senate Bill No. 145, above reported, Assembly amendments concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Fraser—An Act to fix the terms of the County Court in the County of El Dorado.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time, passed, and ordered transmitted to the Assembly without engrossment.

By Mr. Montgomery—An Act to amend section seven hundred and fifty-eight of the Penal Code.

Read first and second times and referred to the Judiciary Committee.

By Mr. Donovan—An Act to facilitate the transaction of business in the office of the Auditor of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Hopkins—An Act to repeal section one thousand five hundred and two of the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

On motion of Mr. Tuttle, the rules were suspended, and Senate Bills Nos. 604 and 628 were ordered at the head of the file for Monday next.

Mr. Tinnin offered a resolution as follows:

*Resolved*, That after this date no Senator be allowed to speak more than ten minutes on any bill, motion, resolution, or amendment before the Senate, unless by consent of a majority of the Senate.

Adopted.

Mr. Craig moved to reconsider the vote by which Senate Bill No. 597—An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code—passed on yesterday.

Mr. Howe moved to indefinitely postpone the motion to reconsider.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Bush, Craig, Donovan, Eakin, Evans, Farley, Fraser, Gibbons, Graves, Hendricks, Hill, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McCune, Montgomery, Numan, Reach, Rogers, Satterwhite, and Spencer—24.

NOES—Messrs. Angney, Bartlett, Edgerton, Flint, Hilborn, Laine, Lindsey, O'Connor, Pierson, Shirley, and Tuttle—11.

Mr. Laine moved to suspend the rules, to take from the general file Senate Bills Nos. 583 and 599, and to refer them to the Committee on Retrenchment.

The motion prevailed, and it was so ordered.

On motion of Mr. Farley, the rules were suspended, and Assembly Bill No. 8 taken from the general file for consideration.

Assembly Bill No. 8—An Act to repeal so much of the Political Code as creates a State Board of Equalization, and for other purposes.

Amendment concurred in.

Read third time and passed, and ordered to the Assembly immediately.

On motion of Mr. Donovan, the rules were suspended, and Senate Bill No. 312 taken from the general file for consideration.

Senate Bill No. 312—An Act concerning corporations and persons engaged in the business of banking.

Amendments concurred in.

Considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Mr. Hopkins moved to suspend the rules, to take from the general file Senate Bill No. 534 for consideration.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Edgerton, Evans, Graves, Hopkins, Lewis, McCarthy, Rogers, Satterwhite, Spencer, and Turner—10.

NOES—Messrs. Anguey, Bartlett, Farley, Gibbons, Hill, Lindsey, McCune, Montgomery, O'Connor, Shirley, Tinnin, and Tuttle—12.

On motion of Mr. McCoppin, the rules were suspended, to take from the general file Senate Bill No. 625 for consideration.

Senate Bill No. 625—An Act to authorize the compromise of certain litigation concerning a portion of the water-front of the City and County of San Francisco.

Substitute concurred in.

Considered engrossed, read third time, and passed.

On motion of Mr. Evans, the rules were suspended, and Senate Bill No. 464 taken from the general file for consideration.

Senate Bill No. 464—An Act amending the Political Code by adding a new section thereto, to be numbered section four thousand one hundred and ninety-four, in relation to the duties of Sheriffs.

Considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

On motion of Mr. Hill, the rules were suspended, and Assembly Bill No. 289 taken from the table for consideration.

Assembly Bill No. 289—An Act to authorize the Trustees of the City of Napa to procure a supply of wholesome fresh water for the use of the inhabitants of said city.

Senate substitute concurred in.

Read third time and passed, and ordered to the Assembly immediately.

Mr. Hendricks offered a resolution as follows:

*Resolved*, That the Assembly be requested to return to the Senate Assembly Bill No. 554, for the purpose of correcting errors.

Adopted.

#### GENERAL FILE.

Senate Bill No. 549—An Act to regulate the practice of medicine in this State.

Amended.

Rules suspended, considered engrossed, read third time, and passed.

Messrs. Tinnin, Hill, Nunan, Fraser, and Eakin desired to be recorded as having voted in the negative on the passage of the bill.

Mr. Rogers gave notice of a motion to reconsider the vote by which the bill passed.

Mr. Graves, by leave, introduced a bill as follows: An Act to add a new section to the Code of Civil Procedure.

Read first and second times and referred to the Judiciary Committee.

#### RECESS.

At twelve o'clock and thirty minutes p. m. the Senate took a recess.



## RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

Mr. O'Connor moved to suspend the rules, to take from the general file Senate Bill No. 393—An Act to confirm certain letters patent of the State of California to W. F. Montgomery and others—and that the same be made a special order for two o'clock P. M. Monday, the twenty-seventh instant.

On which the ayes and noes were demanded by Messrs. Evans, Lewis, and O'Connor, and the Senate refused, two-thirds failing to vote in the affirmative.

AYES—Messrs. Bartlett, Bush, Donovan, Edgerton, Fraser, Graves, Hill, Howe, Laine, Lindsey, Martin, McCune, McGarvey, Montgomery, Numan, O'Connor, Roach, Shirley, Spencer, Timmin, and Tuttle—21.

NOES—Messrs. Anguey, Evans, Gibbons, Hilborn, Hopkins, Lewis, McCarthy, McCoppin, Pierson, Satterwhite, and Turner—11.

Mr. Evans gave notice that, on Monday, he would offer an amendment to Rule Number Three.

On motion of Mr. McGarvey, Senate Bill No. 630—An Act to provide for the management and sale of the sixteenth and thirty-sixth sections and lands in lieu thereof—being a substitute for Senate Bill No. 43, was taken up for consideration.

On motion of Mr. Laine, the vote by which the bill was ordered engrossed was reconsidered.

Amended.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Senate Bill No. 9—An Act to provide a system of irrigation in the Counties of Fresno, Tulare, and Kern.

Amendments adopted in Committee of the Whole concurred in.

Mr. Craig moved to amend by exempting Stanislaus County from the operation of the bill.

On which the ayes and noes were demanded by Messrs. Craig, McGarvey, and Howe, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Donovan, Eakin, Gibbons, Howe, McCarthy, O'Connor, and Satterwhite—8.

NOES—Messrs. Anguey, Bartlett, Bush, Edgerton, Farley, Flint, Graves, Hilborn, Hill, Hopkins, Laine, Lewis, Lindsey, McGarvey, Montgomery, Shirley, Spencer, Timmin, and Tuttle—19.

Mr. Lewis moved to amend by striking out Kern County from the operation of the bill.

On which the ayes and noes were demanded by Messrs. Lewis, Lindsey, and McGarvey, and the amendment was adopted, by a vote as follows:

AYES—Messrs. Craig, Donovan, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Hilborn, Hopkins, Howe, Lewis, McCoppin, O'Connor, Pierson, Roach, Satterwhite, Timmin, and Turner—19.

NOES—Messrs. Anguey, Bartlett, Bush, Edgerton, Graves, Hill, Laine, Lindsey, McGarvey, Montgomery, Spencer, and Tuttle—12.

On motion of Mr. Lindsey, the bill was indefinitely postponed.

Mr. McCarthy submitted reports as follows:

SENATE CHAMBER, }  
SACRAMENTO, March 25th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled substitute for Senate Bill No. 439—An Act to appropriate the sum of thirteen thousand dollars to make certain repairs on the State Normal School and to provide furniture therefor, and also to provide for a deficiency in the appropriation for the twenty-sixth and twenty-seventh fiscal years for said school—and on this twenty-fifth day of March, eighteen hundred and seventy-six, at three o'clock and thirty minutes P. M., presented the same for approval to his Excellency the Governor.

McCARTHY, Chairman.

SENATE CHAMBER, }  
SACRAMENTO, March 25th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 589—An Act to enable the City of Stockton to redeem its bonds falling due during the year eighteen hundred and seventy-six.

Also, substitute for Senate Bill No. 103—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose.

And on this twenty-fifth day of March, eighteen hundred and seventy-six, at two o'clock and forty minutes P. M., presented the same for approval to his Excellency the Governor.

McCARTHY, Chairman.

Mr. Craig submitted a report as follows:

SENATE CHAMBER, }  
SACRAMENTO, March 25th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 474—An Act to authorize the Board of Education of the City and County of San Francisco to provide for the support of the common schools of said city and county.

CRAIG, for Committee.

Mr. Edgerton, for the delegation, verbally reported Assembly Bill No. 24, recommending a concurrence in the Assembly amendment.

Mr. Angney moved to take up Assembly messages.

At four o'clock and thirty-five minutes P. M., Mr. Lewis moved to adjourn until ten o'clock A. M. on Monday.

On which the ayes and noes were demanded by Messrs. Roach, Craig, and Eakin, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Hopkins, Lewis, McCarthy, McGarvey, Montgomery, Pierson, Satterwhite, and Shirley—16.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Hilborn, Hill, Howe, Laine, Lindsey, Martin, McCoppin, O'Connor, Roach, Spencer, Tinnin, Turner, and Tuttle—18.

Mr. Tinnin moved that the Senate take a recess until seven o'clock and thirty minutes P. M.

Lost.

At four o'clock and forty minutes P. M. Mr. Lewis moved to adjourn until eleven o'clock on Monday next.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Edgerton, Evans, Farley, Fraser, Gibbons, Graves, Lewis, McCarthy, McGarvey, Pierson, Satterwhite, and Shirley—13.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Flint, Hilborn, Hill, Hopkins, Howe, Laine, Lindsey, Martin, McCoppin, Montgomery, O'Connor, Roach, Spencer, Tinnin, Turner, and Tuttle—21.

Messrs. McCune, Hendricks, Beazell, and Rogers were granted leave of absence for one day.

Mr. Evans moved a call of the Senate.

On which the ayes and noes were demanded by Messrs. Lewis, Evans, and Pierson, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Donovan, Edgerton, Evans, Farley, Fraser, Gibbons, Graves, Hopkins, Lewis, McCarthy, McGarvey, Pierson, and Satterwhite—14.

NOES—Messrs. Angney, Bartlett, Bush, Eakin, Flint, Hilborn, Hill, Howe, Laine, Lindsey, Martin, McCoppin, Montgomery, O'Connor, Roach, Shirley, Spencer, Tinnin, Turner, and Tuttle—20.

Mr. Angney moved to take up Assembly messages.

At five o'clock p. m. Mr. Edgerton moved to adjourn until ten o'clock and thirty minutes p. m. on Monday next.

On which the ayes and noes were demanded by Messrs. Edgerton, Evans, and Fraser, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Donovan, Edgerton, Evans, Farley, Fraser, Gibbons, Graves, Hopkins, Lewis, McCarthy, McGarvey, Pierson, Satterwhite, Shirley, and Turner—16.

NOES—Messrs. Angney, Bartlett, Bush, Eakin, Flint, Hilborn, Hill, Howe, Laine, Lindsey, Martin, McCoppin, Montgomery, O'Connor, Roach, Spencer, Tinnin, and Tuttle—18.

#### RECESS.

At five o'clock and ten minutes p. m. Mr. Bush moved that the Senate do now take its recess until seven o'clock and thirty minutes p. m.

On which the ayes and noes were demanded by Messrs. Bush, Angney, and Tinnin, and the recess was ordered, by a vote as follows:

AYES—Messrs. Bush, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Gibbons, Graves, Hilborn, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCoppin, McGarvey, Montgomery, O'Connor, Pierson, Roach, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—29.

NOES—Messrs. Angney, Bartlett, Fraser, Hill, and McCarthy—5.

#### RE-ASSEMBLED.

At seven o'clock and thirty minutes p. m. the Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

#### ASSEMBLY MESSAGES.

The following messages were taken up, on motion of Mr. Angney:

ASSEMBLY CHAMBER,  
SACRAMENTO, March 25th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-fourth, amended and passed Senate Bill No. 134—An Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State.

Also, on this date, amended and passed Senate Bill No. 289—An Act to create the Twenty-second Judicial District.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 25th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-second, passed two substitutes for Senate Bill No. 443—An Act to provide for the government of the County of San Diego.

Also, on this date, amended and passed substitute for Senate Bill No. 529—An Act supplementary to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and the Acts amendatory thereof and supplementary thereto.

Also, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 711—An Act to provide for a fresh supply of water for the University and Deaf, Dumb, and Blind Asylum.

Also, Assembly Bill No. 712—An Act to provide for a supply of water for the Napa State Asylum for the Insane.

Also, that the Assembly concurred in Senate amendments to Assembly Bills Nos. 8, 130, 266, 321, 416, 415, 458, 552, 526, and 530; and receded from its amendments to certain sections of Senate Bill No. 300.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 25th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under suspension of the rules, Senate Bill No. 491—An Act relating to fees and salaries of certain officers in Yuba County.

Also, Senate Bill No. 632—An Act to fix the terms of the County Court in the County of El Dorado.

Also, adopted Senate resolution relative to returning Assembly Bill No. 554—An Act relative to roads and highways in the County of Butte.

CAYLAT, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 134, above reported, with Assembly amendment.

On motion of Mr. Angney, the consideration of the bill, as amended, was made a special order for Monday, the twenty-seventh instant, at two o'clock P. M.

Senate Bill No. 289, above reported, Assembly amendment to section three of the bill concurred in, and the Senate refused to concur in the Assembly amendment to section six, and ordered the bill to the Assembly, with a request that the House recede from said amendment to the bill.

Senate Bill No. 443, above reported, Assembly substitute for the bill concurred in.

Senate Bill No. 529, above reported, Assembly amendment concurred in.

Assembly Bill No. 711, above reported, read first and second times and referred to the Committee on Public Buildings, other than Prison Buildings.

Assembly Bill No. 712, above reported, read first and second times and referred to the Committee on Hospitals.

Mr. McCoppin, by leave, submitted a report from the special committee appointed to investigate the matter of the sale of the tide or salt marsh lands of the State.

The report was ordered printed.

The following resolution, accompanying the report, was taken up:

*Resolved*, That the testimony and documents presented with the report of the special committee of the Senate appointed to investigate the matter of the sale of the tide or salt marsh lands lately belonging to the State, be turned over to the Attorney-General of the State, and that he be requested to take such steps as he may deem proper to remove the cloud cast upon the title of those claiming or in possession of the lands included in the deeds made by the late State Board of Tide Land Commissioners to George W. Ellis, of San Francisco.

Adopted.

Mr. Evans, by leave, offered the following:

*Resolved*, That Rule Thirty-three be amended to read as follows:

RULE 33.—When any member is without the bar of the Senate when the last name on the roll is called on the taking of the ayes and noes on any question, his vote shall not be received or counted.



Rules suspended, and the amendment to the rule adopted.  
Mr. Laine, by leave, submitted the following report:

MR. PRESIDENT: The Retrenchment Committee, to whom was referred Senate Bill No. 451, report the same back, and recommend its passage.

They have also considered Assembly Bill No. 259, and report the same back, without recommendation.

LAINE, Chairman.

Mr. Laine also verbally reported from the Centennial Committee Assembly Concurrent Resolution No. 43, without recommendation.

#### SPECIAL FILE.

Assembly Bill No. 500—An Act to establish and maintain public and private roads in the County of Santa Cruz.

Ordered at the head of the special file for Monday.

Assembly Bill No. 361—An Act to amend the Political Code of the State of California, and to protect the health and regulate hours of labor of the street car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code.

Mr. Howe moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by Messrs. Donovan, Howe, and Craig, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angley, Bartlett, Bush, Craig, Eakin, Flint, Gibbons, Graves, Hill, Hopkins, Howe, Laine, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, O'Connor, Pierson, Satterwhite, Shirley, Tinnin, and Turner—24.

NOES—Messrs. Donovan, Edgerton, Fraser, Lindsey, Roach, and Tuttle—6.

Mr. Graves, by leave, offered the following resolution:

*Resolved*, That all bills pertaining to the City and County of San Francisco be placed at the head of the special file for Tuesday night, March twenty-eighth, and be made the special order at that time.

On motion of Mr. Howe, the resolution was laid on the table.

Senate Bill No. 490—An Act granting further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Amendments concurred in.

Mr. Bartlett moved to indefinitely postpone the bill.

Lost.

Rules suspended, considered engrossed, read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Bartlett, Tuttle, and Tinnin, and it passed, by a vote as follows:

AYES—Messrs. Bush, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, Montgomery, Pierson, Roach, Shirley, Spencer, and Turner—22.

NOES—Messrs. Angley, Bartlett, Graves, Hill, Laine, Lindsey, McGarvey, O'Connor, Satterwhite, Tinnin, and Tuttle—11.

Assembly Bill No. 491—An Act to provide for the maintenance and construction of roads and highways in the County of Mariposa.

Amendment concurred in.

Read third time and passed.

Assembly Bill No. 527—An Act to authorize the Board of Super-

visors of the County of Inyo to sell the several county bridges across Owens River, and to authorize said bridges to be established as toll-bridges.

Indefinitely postponed.

Assembly Bill No. 720—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges across Santa Ana River, and to issue bonds for the payment of the same.

Read third time and passed.

Assembly Bill No. 719—An Act to provide for the collection of road poll-taxes in and for the County of Stanislaus.

Read third time and passed.

Senate Bill No. 624—An Act concerning Lee School District, in the County of Sacramento.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 525 passed on file.

Assembly Bill No. 647—An Act to fix the compensation of the Assessor of Los Angeles County for the collection of tax on personal property.

Read third time and passed.

Assembly Bill No. 564—An Act fixing the salaries and compensation of certain officers of San Luis Obispo County.

Read third time and passed.

Assembly Bill No. 338—An Act to repeal an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.

Read third time and passed.

Senate Bill No. 421—An Act confirming a water right and mill privilege to certain persons in the County of Ventura.

Indefinitely postponed.

Assembly Bill No. 82—An Act amendatory of and supplementary to an Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou, approved March twenty-eighth, eighteen hundred and seventy-four.

Amendments concurred in.

Read third time and passed.

Assembly Bill No. 501—An Act to authorize the Board of Trustees of the Town of Santa Clara to sell a public square.

Amendment concurred in.

Read third time and passed.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, March 25th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 143—An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code, and to add a new section thereto, to be numbered section two thousand nine hundred and fifty-five—and have this day, the twenty-fifth of March, eighteen hundred and seventy-six, presented the same, for approval, to his Excellency the Governor, at nine o'clock p. m.

MCCARTHY, Chairman.

#### SPECIAL FILE RESUMED.

Assembly Bill No. 688—An Act concerning the office of District Attorney of Santa Clara County.

Indefinitely postponed.

Senate Bill No. 523—An Act to authorize the Board of Supervisors of Santa Cruz County to arrange with the Santa Cruz Railroad Company to change its railroad so as to pass through the Town of Watsonville.

Amendment concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 417—An Act to amend the Political Code, in reference to the boundaries of Alameda County.

Indefinitely postponed.

Assembly Bill No. 44—An Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two.

Substitute concurred in.

Read third time and passed.

Assembly Bill No. 642 was ordered at the head of the general file for Monday.

Assembly Bill No. 239 was ordered second on the special file for Monday.

At nine o'clock and seventeen minutes p. m. Mr. Edgerton moved to adjourn.

Lost.

Assembly Bill No. 622—An Act to fix the compensation of Assessors for the collection of taxes on personal property in the County of Contra Costa.

Read third time and passed.

Assembly Bill No. 476—An Act in relation to the county officers of Santa Cruz County, their fees and salaries.

Amendment concurred in.

Read third time and passed.

Senate Bill No. 412 was referred to the Committee on State and County Revenue.

Assembly Bill No. 621—An Act to authorize the Mayor and Common Council of Salinas City to build a school-house in said city, and to issue bonds therefore, and to provide for the payment of the same.

Read third time and passed.

Senate Bill No. 392—An Act to allow the construction of a railway draw-bridge on Sonoma Creek.

Indefinitely postponed.

Assembly Bill No. 636—An Act to provide funds for road purposes in the County of San Luis Obispo.

Read third time and passed.

Senate Bill No. 209—An Act amendatory of and supplementary to an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Indefinitely postponed.

At nine o'clock and twenty-seven minutes p. m. Mr. McGarvey moved to adjourn.

Lost.

Assembly Bill No. 519—An Act for the relief of East Fork School District, in the County of Siskiyou.

Read third time and passed.

Assembly Bill No. 608—An Act concerning certain taxes in Placer County.

Substitute concurred in.

Read third time and passed.

At nine o'clock and thirty minutes p. m. Mr. McGarvey moved to adjourn.

On which the ayes and noes were demanded by Messrs. Pierson, McGarvey, and Fraser, and the Senate refused, by a vote as follows :

AYES—Messrs. Farley, Hill, Hopkins, Howe, McCarthy, McCoppin, and Turner—7.

NOES—Messrs. Angney, Bartlett, Craig, Donovan, Edgerton, Fraser, Gibbons, Graves, Hilborn, Laine, Lewis, Lindsey, Martin, McGarvey, Montgomery, O'Connor, Pierson, Roach, Spencer, Tinnin, and Tuttle—21.

Senate Bill No. 348—An Act to repeal Article IV. of an Act entitled an Act to repeal the several charters of the City of San Francisco, etc., and substituting this Act for said article.

Indefinitely postponed.

Assembly Bill No. 578—An Act to confer further powers on the Justices of the Peace of the City and County of San Francisco.

#### ADJOURNMENT.

At nine o'clock and forty minutes p. m., on motion of Mr. Edgerton, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER. }  
Monday, March 27th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

During the reading of the journal of Saturday last, on motion of Mr. Lindsey, further reading of the same was dispensed with and approved.

#### PETITIONS.

Mr. Tuttle presented a communication requesting him, as a Senator, to favor the military deficiency bill.

Received and laid on the table.

Mr. Rogers, by leave, withdrew a notice given by him to reconsider the vote by which Senate Bill No. 549 passed on Saturday.

The bill was ordered to the Assembly immediately and without engrossment.

#### REPORTS.

Mr. Lindsey, for the delegation, verbally reported Assembly Bill No. 451—An Act concerning water ditches and water privileges for irrigation, manufacturing, and mining purposes in the Counties of Fresno, Tulare, and Kern—recommending its passage.



Rules suspended, and the bill taken up for consideration.

Read third time, passed, and ordered to the Assembly immediately and out of its order.

Mr. Hill, for the delegation, verbally reported Assembly Bill No. 45—An Act supplementary to an Act, approved March twenty-fourth, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six—recommending that the Senate adhere to its amendment to the bill.

Rules suspended, and the bill taken up for consideration.

The Senate refused to recede from its amendment, and the Chair appointed, as a Senate Committee of Free Conference, Messrs. Eakin, Lewis, and O'Connor.

On motion of Mr. Beazell, the rules were suspended, and Assembly Bill No. 558 recommitted to the Alameda delegation.

By Mr. Turner:

MR. PRESIDENT: The undersigned, a member of the Committee on Education, to whom was referred Assembly Bill No. 574, known as the "Carpenter bill," beg leave to submit the following report in favor of the passage of the same.

TURNER, of Committee.

On motion of Mr. Turner, the rules were suspended, and the report ordered printed from the original and out of its order.

On motion of Mr. Tuttle, the majority report on the same subject was ordered printed immediately.

Mr. Hilborn, for the Committee on State and County Revenue, verbally reported Senate Bill No. 412—An Act to provide for the issuance of the bonds of the County of Kern for the payment of the indebtedness of said county—with amendments.

Rules suspended, and the bill taken up for consideration.

Amendments concurred in.

Considered engrossed, read third time, passed, and ordered engrossed out of its order.

#### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, March 25th, 1876.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 339—An Act to amend section two thousand nine hundred and sixteen of the Political Code of this State, relating to wharves.

Also, Senate Bill No. 380—An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code.

Also, Senate Bill No. 477—An Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall.

Also, Senate Bill No. 548—An Act to provide for the opening of streets in the City of Oakland.

Also, Senate Bill No. 568—An Act for the relief of John Parnell, James Byrnes, and Patrick Ryan.

Also, Senate Bill No. 57—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

WILLIAM IRWIN, Governor.

#### MOTIONS, RESOLUTIONS, AND NOTICES.

Mr. Shirley offered the following resolution:

*Resolved*, That the thanks of the people of the State of California, through their representatives in the Senate, are hereby tendered to Captains Fitzpatrick, McAllister, and Aull, and the guards and attachés of the prison at San Quentin, for their efficient and meritorious services during the late disastrous conflagration which threatened the destruction of the institution, and for the admirable order and discipline maintained throughout and subsequent to that calamitous ordeal.

Adopted.

#### GENERAL FILE.

Mr. Evans moved that in considering the general file all bills reported on adversely be taken up in their order for consideration, and thus relieve the file of all such bills which are now encumbering the file and being reprinted daily at an expense to the State.

So ordered.

Senate Bill No. 80—An Act to provide a system of irrigation ;

Senate Bill No. 233—An Act to create a uniform system of irrigation for the State of California ;

Assembly Bill No. 134—An Act to repeal section three thousand six hundred and forty-four and to amend section three thousand six hundred and forty-six of the Political Code ;

Senate Bill No. 22—An Act to amend the Political Code, relating to salaries ;

Senate Bill No. 246—An Act to amend certain sections of the Political Code, relating to swamp and overflowed lands ;

Senate Bill No. 381—An Act to complete the geological survey of California ;

Senate Bill No. 139—An Act to amend section one thousand eight hundred and fifty-eight of the Political Code, relating to public schools ;

Senate Bill No. 232—An Act for the relief of James W. Marshall ;

Assembly Bill No. 147—An Act to amend section one thousand seven hundred and fifty of the Political Code ;

Senate Bill No. 141—An Act to amend sections one thousand five hundred and forty-three and one thousand five hundred and seventy-eight of the Political Code, relating to public schools ;

Senate Bill No. 552—An Act to amend section three thousand eight hundred and twenty of the Political Code ;

Assembly Bill No. 386—An Act to amend section three thousand eight hundred and twenty of the Political Code, relating to the collection of taxes by the Assessors ;

Senate Bill No. 550—An Act to amend section three thousand seven hundred and ninety-three of the Political Code ;

Senate Bill No. 610—An Act amending an Act entitled an Act concerning corporations, approved April first, eighteen hundred and sixty-four ;

Senate Bill No. 498—An Act to amend sections two thousand four hundred and thirty, two thousand four hundred and thirty-nine, and two thousand four hundred and forty of Article V., Title VI., Chapter I.; also, sections two thousand four hundred and fifty-seven, two thousand four hundred and fifty-eight, two thousand four hundred and sixty, two thousand four hundred and sixty-four, two thousand four hundred and sixty-five, two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, and two thousand four hundred and sixty-eight of Article VI., Title VI., Chapter I., of the Political Code ;

Senate Bill No. 28—An Act to protect the citizens of the State of California from empiricism, and for the suppression of quackery;

Senate Bill No. 192—An Act to regulate the practice of medicine in the State of California;

Assembly Bill No. 670—An Act authorizing the relocation of certain school land warrants issued by the State of California;

Senate Bill No. 284—An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three, in relation to hotel, inn, boarding, and lodging-house keepers;

Senate Bill No. 467—An Act to amend section four hundred and seventy of the Civil Code;

Assembly Bill No. 275—An Act to amend section two thousand and three of the Civil Code of the State of California, concerning the compensation of employes;

Senate Bill No. 535—An Act to allow John P. Sheldon to sue the Board of State Harbor Commissioners;

Senate Concurrent Resolution No. 31—Asking Congress to prevent the discrimination in the transportation of freight on the Central and Union Pacific Railroads;

Senate Bill No. 556—An Act to amend the Political Code;

Assembly Bill No. 599—An Act to add another section to the Penal Code, to be known as section four hundred and two;

Assembly Bill No. 600—An Act to add another section to the Penal Code, to be known as section three hundred and eighteen;

Senate Bill No. 509—An Act to authorize the owners of the land in Levee District Number Five, Sutter County, to organize under the general swamp land laws of the State;

Senate Bill No. 34—An Act for the permanent improvement of the State Capitol grounds; and

Senate Bill No. 559—An Act to provide for finishing the interior of the State Capitol;

Were each taken up and severally indefinitely postponed.

On motion of Mr. Laine, by unanimous consent, the vote by which Senate Concurrent Resolution No. 31 was indefinitely postponed was reconsidered, and the resolution retained its position on the file.

On motion of Mr. Lewis, by unanimous consent, the vote by which Senate Bill No. 34 was indefinitely postponed was reconsidered, and the bill retained its position on the file.

Mr. Craig gave notice of a motion to reconsider the vote by which Senate Bill No. 509 was indefinitely postponed.

[Mr. Rogers in the chair.]

On motion of Mr. McGarvey, the rules were suspended, and the following bills taken up for consideration:

Senate Bill No. 291—An Act to amend section sixty-four of the Code of Civil Procedure.

Substitute adopted.

Considered engrossed, read third time, and passed.

Senate Bill No. 290—An Act to amend sections one hundred and thirty-one and one hundred and thirty-two of the Political Code, relating to judicial districts.

Substitute adopted.

Considered engrossed, read third time, and passed.

Rules further suspended, and the bills ordered to the Assembly without engrossment.

Senate Bill No. 514 was ordered at the head of the general file for to-morrow.

Mr. Hilborn, by general consent, withdrew substitute for Assembly Bill No. 73—An Act to create an irrigation district, to be called the West Side Irrigation District.

Senate Bill No. 112—An Act to prescribe the manner of furnishing text-books for the public schools of this State.

On motion of Mr. Tuttle, the printed bill was substituted for the original bill.

On motion of Mr. Turner, Senate Bills Nos. 112, 534, and 374 were made a special order for ten o'clock A. M. to-morrow.

Mr. Tuttle moved that Senate Bills Nos. 112 and 534 be ordered printed immediately and out of their order.

Carried.

On motion of Mr. Tuttle, Senate Bill No. 604 was made a special order for one o'clock and thirty minutes P. M.

Senate Bill No. 628—An Act amendatory of an Act authorizing the appointment of certain employes of the State Capitol, and fixing their compensation, approved March thirtieth, eighteen hundred and seventy-four.

Mr. Lewis offered an amendment as follows: Amend by inserting after the word "hundred," in line three, the words "twenty-five."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Lewis, Tinnin, and McCarthy, and it was adopted, by a vote as follows:

AYES—Messrs. Craig, Eakin, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, Pierson, Satterwhite, and Turner—19.

NOES—Messrs. Angney, Bartlett, Bush, Evans, Hill, Laine, Lindsey, McCune, McGarvey, Montgomery, O'Connor, Shirley, Tinnin, and Tuttle—14.

Mr. Angney moved to amend section four by striking out as compensation to the Chief Gardener, "one hundred and twenty-five dollars a month," and inserting "one hundred dollars a month."

On which the ayes and noes were demanded by Messrs. Tinnin, McCarthy, and Fraser, and the amendment was lost, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Evans, Fraser, Graves, Hill, Laine, Lindsey, McCune, McGarvey, Montgomery, Rogers, Satterwhite, Spencer, Tinnin, and Tuttle—17.

NOES—Messrs. Craig, Donovan, Eakin, Farley, Flint, Haymond, Hendricks, Hilborn, Howe, Lewis, Martin, McCarthy, McCoppin, O'Connor, Pierson, Shirley, and Turner—17.

Mr. O'Connor moved to suspend the rules, to consider the bill engrossed and place it on its third reading and passage.

On which the ayes and noes were demanded by Messrs. McCarthy, Lindsey, and Fraser, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Evans, Farley, Fraser, Graves, Hendricks, Hill, Howe, Laine, Lindsey, McCune, McGarvey, Montgomery, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—27.

NOES—Messrs. Craig, Martin, and McCarthy—3.

Mr. Martin moved to indefinitely postpone the bill.

Lost.



Read third time and passed, and ordered to the Assembly immediately without engrossment.

Assembly Bill No. 259—An Act to fix the number of permanent employes of the State Capitol and Capitol grounds, their duties and compensation.

Indefinitely postponed.

Senate Bill No. 127—An Act to amend sections ninety-two, one hundred and twenty-four, one hundred and forty-six, and one hundred and forty-seven, and to repeal sections ninety-four to one hundred and seven, inclusive, and sections one hundred and eighteen, one hundred and nineteen, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, and one hundred and forty-four of the Civil Code, in relation to divorces.

On the motion to recommit the bill, with special instructions to amend as heretofore moved, the ayes and noes were demanded by Messrs. Lewis, Satterwhite, and Craig, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Beazell, Eakin, Evans, Flint, Fraser, Hendricks, Lewis, Lindsey, Martin, McCarthy, McGarvey, Montgomery, and Tinnin—14.

NOES—Messrs. Angney, Bush, Craig, Donovan, Farley, Gibbons, Graves, Hilborn, Hill, Laine, McCune, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, and Tuttle—19.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lewis, Tinnin, and Pierson, and it passed, by a vote as follows:

AYES—Messrs. Angney, Beazell, Bush, Craig, Donovan, Farley, Flint, Fraser, Gibbons, Graves, Hilborn, Hill, Laine, McCarthy, McCune, McGarvey, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, and Tuttle—24.

NOES—Messrs. Bartlett, Eakin, Evans, Hendricks, Lewis, Lindsey, Martin, Montgomery, and Tinnin—9.

Mr. McGarvey gave notice of a motion to reconsider the vote by which the bill passed.

Mr. Craig submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, March 27th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 597—An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code.

CRAIG, for Committee.

RECESS.

At twelve o'clock and thirty minutes p. m. the Senate took a recess.

RE-ASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

On motion of Mr. Roach, and by unanimous consent, the votes by which Assembly Bills Nos. 599 and 600 were indefinitely postponed were reconsidered, and the bills ordered to retain their places on the general file.

ASSEMBLY MESSAGES.

The following messages were taken up, on motion of Mr. Evans:

ASSEMBLY CHAMBER,  
SACRAMENTO, March 27th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 770—An Act to authorize the Prosecuting Attorney of the Police Judge's Court of the City and County of San Francisco to appoint a clerk.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 27th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 708—An Act amendatory of an Act to reincorporate the City of San José.

Also, substitute for Assembly Bill No. 722—An Act to declare and define the meaning of a certain provision of section five hundred and forty-nine of the Civil Code.

Also, Assembly Bill No. 758—An Act concerning the census of Millville School District, of Shasta.

Also, Assembly Bill No. 757—An Act to amend an Act entitled an Act to incorporate the City of Healdsburg.

Also, amended and passed Senate Bill No. 466—An Act to amend an Act to reincorporate the City of Stockton, approved March twenty-ninth, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 575—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 586—An Act for the establishment and maintenance of a branch county jail in Solano County.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 27th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Senate Bill No. 713—An Act to appropriate four hundred and thirteen thousand dollars to pay the valid and equitable claims against the State incurred in building the Napa State Asylum for the Insane and to complete the structure.

Also, Assembly Bill No. 725—An Act to appropriate twelve thousand dollars for the painting and general repairs of the State Capitol.

Also, on this date, passed Assembly Bill No. 611—An Act to provide for the completion of the Branch State Prison.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 702, above reported, read first and second times, rules suspended, and, by general consent, read third time, and passed.

Assembly Bills Nos. 757 and 770, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bills Nos. 758 and 725, above reported, each read first and second times and ordered on the general file.

Assembly Bill No. 713, above reported, read first and second times and referred to the Committee on Finance.

Assembly Bill No. 722, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 611, above reported, read first and second times, and, on motion of Mr. Edgerton, referred to the Committee on State Prison, with instructions to report to-morrow morning.

Senate Bill No. 466, above reported, Assembly amendment concurred in.

On motion of Mr. Hendricks, the rules were suspended, and Senate Bill No. 554 taken up for consideration.

Senate Bill No. 554—An Act in relation to roads and highways in the County of Butte.

The vote by which the bill was considered engrossed and passed was reconsidered.

Amendments adopted.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Haymond, for the Judiciary Committee, submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, March 27th, 1876. }

MR. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 156—An Act entitled proposed amendments to the Constitution of the State of California—herewith report the same back, with a substitute therefor, and recommend the adoption and passage of the substitute.

The committee also herewith introduce an Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature at its twentieth session and agreed to by the Legislature at its twenty-first session, to the people at the general election in the year eighteen hundred and seventy-seven, and to provide for carrying said amendments into effect if approved and ratified by the people, and recommend its passage.

HAYMOND, for Committee.

Rules suspended, and Senate Bill No. 156, above reported, taken up for consideration.

Substitute for the bill considered in Committee of the Whole.

Reported to the Senate without amendments.

Substitute to Senate Bill No. 156—Proposed amendments to the Constitution of the State of California:

The Legislature of the State of California, at its twenty-first session, commencing on the sixth day of December, A. D., eighteen hundred and seventy-five, by a majority of all members elected to each house thereof, and by a majority of all the members elected to the Senate, and by a majority of all the members elected to the Assembly thereof, adopt and agree to the amendments hereinafter set forth, to the Constitution of the State of California. Said amendments were proposed in the Assembly of said State, at the twentieth session of the Legislature thereof, and were at such session agreed to by a majority of all the members elected to the Assembly; and subsequently and at the same session, were agreed to by a majority of all the members elected to the Senate of said State; and were during such session, entered at large on the journals of each house, with the yeas and nays taken thereon in each house, and were referred to the Legislature then next to be chosen, and were duly and legally published for three months next preceding the time of such choice.

Amend Article II. of said Constitution to read as follows:

#### ARTICLE II.—RIGHT OF SUFFRAGE AND ELECTIONS.

SECTION 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections:

*First*—He shall have been a citizen of the United States at least one month.

*Second*—He shall have resided in the State six months immediately preceding the election.

*Third*—He shall have resided in the election precinct where he shall offer to vote one month immediately preceding the election.

SEC. 2. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison; nor shall any person in the military, naval, or marine service of the United States, by reason of being stationed in any military or naval station within the State, be considered a resident of this State.

SEC. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 5. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 6. The general election shall be held on the Tuesday next following the first Monday in November, A. D. one thousand eight hundred and seventy-seven, and every two years thereafter, unless the Legislature by statute fix a different time.

SEC. 7. All elections by the people shall be by ballot. All elections by persons in a representative capacity shall be viva voce.

SEC. 8. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 9. Any person who shall give, or promise, or offer to give, to any elector, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, or who shall give, or promise to give, such consideration to any other person or party for such elector's vote, or for the withholding thereof; and any elector who shall receive, or agree to receive, for himself or for another, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election; and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

SEC. 10. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this State; and any person convicted of willful violation of the election laws shall, in addition to any penalty provided by law, be deprived of the right of suffrage absolutely for a term of four years.

SEC. 11. In trials of contested elections, and proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon any ground, but such testimony shall not afterward be used against him in any judicial proceeding, except for perjury in giving such testimony.

## Amend Article VI. of said Constitution to read as follows:

### ARTICLE VI.—JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, District Courts, Courts of Justices of the Peace, and in such Municipal Courts as shall be established by statute for cities, or consolidated cities and counties.

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The presence of four Justices shall be necessary for the transaction of business in Court, and the concurrence of four Justices shall be necessary to pronounce a judgment.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State, at the general election next after the adoption of these amendments, and each shall take his seat on the first Tuesday after the first Monday in January next after his election. A full term of a Justice of the Supreme Court is fourteen years. At the meeting of such Justices, on the said Tuesday next after the first Monday of January, they shall so classify themselves by lot that the term of one Justice shall expire every two years, and his successor shall be elected at the general election next preceding the expiration of such term.

SEC. 4. At the election for Justices of the Supreme Court, next after the adoption of these amendments, no elector shall vote for more than four persons for Justices of the Supreme Court.

SEC. 5. If a vacancy occur in the office of Justice of the Supreme Court from other causes than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the first Tuesday after the first Monday in January next ensuing until the expiration of the unexpired term.

SEC. 6. No Justice appointed or elected to fill an unexpired term shall be Chief Justice. The Justice not so appointed or elected, having the shortest term to serve, shall be Chief Justice.

SEC. 7. The jurisdiction of the Supreme Court is of two kinds:

*First*—Original; and

*Second*—Appellate.

SEC. 8. The original jurisdiction of the Supreme Court extends to the issuance of writs of mandate, review, prohibition, and habeas corpus.

SEC. 9. The appellate jurisdiction of the Supreme Court extends:

*First*—To all civil cases and special proceedings arising in the District Courts;

*Second*—To all criminal actions amounting to felony;

*Third*—To the issuance of all writs necessary to the exercise of its appellate jurisdiction; and

*Fourth*—To such other cases and proceedings as the Legislature may by general statute prescribe.

SEC. 10. Each county is a judicial district. District Judges shall be elected by the qualified electors of their respective districts, at the general election next after the adoption of these amendments, and shall hold their respective offices for the term of six years and until their successors shall be elected and qualified.

SEC. 11. If a vacancy occur in the office of District Judge from causes other than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the Tuesday after the first Monday in January next ensuing, for the term of six years.

SEC. 12. Every county containing less than twenty thousand inhabitants shall elect one District Judge; counties containing more than twenty thousand inhabitants may elect such further



number of District Judges as shall be prescribed by statute, not exceeding one for every twenty thousand inhabitants, and one for such fraction as shall exceed ten thousand.

SEC. 13. In districts where there shall be more than one District Judge, a presiding Judge shall be elected by lot, who shall distribute the labor to be performed by each.

SEC. 14. Each District Court shall be held by one District Judge; and when two or more Judges are selected for one county, Courts shall be held separate, but the judgments and orders of each shall be entered and enforced as of the District Court of such county.

SEC. 15. The jurisdiction of District Courts is of two kinds:

*First*—Appellate; and

*Second*—Original.

SEC. 16. The appellate jurisdiction of the District Courts extend:

*First*—To all cases arising in Justices' Courts;

*Second*—To such cases and proceedings arising in Municipal Courts as the Legislature may prescribe.

SEC. 17. The original jurisdiction of District Courts extend:

*First*—To all civil actions for relief formerly given in Courts of equity;

*Second*—To all civil actions in which the subject of litigation is not capable of pecuniary estimation;

*Third*—To all civil actions in which the subject of litigation is capable of pecuniary estimation, which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars;

*Fourth*—To actions to prevent or abate a nuisance;

*Fifth*—To actions of forcible entry and detainer;

*Sixth*—To proceedings in insolvency;

*Seventh*—To probate cases and proceedings;

*Eighth*—To all other special proceedings;

*Ninth*—To inquiring, by the intervention of a Grand Jury, of all public offenses committed or triable within the district;

*Tenth*—To the trial of all indictments;

*Eleventh*—To such other cases and proceedings as the Legislature may prescribe.

SEC. 18. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties, and responsibilities; but such powers shall not, in any case, trench upon the jurisdiction of the several Courts of record. The Supreme Court, and District Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.

SEC. 19. The jurisdiction of Municipal Courts established by statute for cities, and consolidated cities and counties, shall extend only to the trial of misdemeanors and to the trial of cases arising under ordinances of such cities, or cities and counties.

SEC. 20. The Legislature shall provide for the election of a Clerk of the Supreme Court, of County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensations. County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment, by the several Courts of record, of one or more Commissioners, with authority to perform chamber business, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by statute.

SEC. 21. The time and place for holding the terms of the Supreme Court shall be provided for by statute. The District Courts shall always be open for the transaction of business.

SEC. 22. No judicial officer, except Justices of the Peace and Commissioners, shall receive to his own use any fees or perquisites of office.

SEC. 23. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.

SEC. 24. The Justices of the Supreme Court and District Judges shall severally, at stated times during their continuance in office, receive for their services, out of the State treasury, a compensation which shall not be increased or diminished after their election or during the term for which they shall have been elected.

SEC. 25. The Justices of the Supreme Court and the District Judges shall be ineligible to any other office than a judicial office during the term for which they shall have been elected, and shall, before entering upon their offices, in addition to the oath of office, take and subscribe an oath that they will not, during such term, accept any Federal office.

SEC. 26. Judges shall not charge juries with respect to matters of fact, but they may state the testimony and declare the law.

SEC. 27. The style of all process shall be, "The People of the State of California;" and all prosecutions shall be conducted in their name and by their authority.

SEC. 28. The Supreme Court now in existence is continued until the first Monday in January, eighteen hundred and seventy-nine; but after the first Monday in January, eighteen hundred and seventy-eight, its power shall only extend to the determination of such cases or proceedings pending therein as may have been submitted for decision prior to that time.

SEC. 29. The Justices of said Court in commission at the time these amendments take effect, may hold their offices as Justices thereof until the first Monday in January, eighteen hundred and seventy-nine.

Sec. 30. If any Justice of said Court is elected a Justice of the Supreme Court created by this article, his office as a Justice of the Supreme Court now in existence shall become vacant on the first Monday in January, eighteen hundred and seventy-eight; and the Governor shall, by appointment, fill the vacancy.

Rules suspended, the bill considered engrossed, and read third time.

The roll was called, the bill passed, and the proposed constitutional amendments agreed to, by a vote as follows :

AYES—Messrs. Angney, Beazell, Bush, Donovan, Evans, Farley, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, Turner, and Tuttle—34.

NOES—Messrs. Bartlett and Edgerton—2.

The special orders set for one o'clock and thirty minutes P. M. and at two o'clock P. M., were temporarily postponed.

The bill submitted by the Judiciary Committee—An Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature, at its twentieth session, and agreed to by the Legislature, at its twenty-first session, to the people at the general election in the year eighteen hundred and seventy-seven, and to provide for carrying said amendments into effect if approved and ratified by the people—was read first and second times, rules suspended, and the bill taken up for consideration.

Mr. Tuttle offered an amendment as follows: In line twenty, strike out "twenty-four hundred" and insert "three thousand."

On adopting the amendment, the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows :

AYES—Messrs. Beazell, Craig, Eakin, Lewis, Martin, McCarthy, McCoppin, Roach, Turner, and Tuttle—10.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Haymond, Hill, Hopkins, Howe, Laine, Lindsey, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Rogers, Satterwhite, Shirley, Spencer, and Tinnin—26.

Mr. Craig moved to strike out "five thousand dollars" and insert "seven thousand five hundred dollars," as salaries of the Justices of the Supreme Court.

Lost.

On a motion to suspend the rules, to consider the bill engrossed and place it on its third reading and passage, the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows :

AYES—Messrs. Angney, Bush, Donovan, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lindsey, McCarthy, McCoppin, McCune, McGarvey, Montgomery, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—33.

NOES—Messrs. Bartlett, Beazell, Craig, Edgerton, and Lewis—5.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lewis, Fraser, and Lindsey, and it passed, by a vote as follows :

AYES—Messrs. Angney, Beazell, Bush, Donovan, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, O'Connor, Pierson, Roach, Rogers, Satterwhite, Spencer, Tinnin, and Turner—34.

NOES—Messrs. Bartlett, Craig, Edgerton, and Tuttle—4.

Mr. Lewis gave notice of a motion to reconsider the vote by which the bill passed.

### GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 27th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 145—An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code of California, and to add a new section thereto, to be numbered section two thousand nine hundred and fifty-five.

Also, substitute for Senate Bill No. 439—An Act to appropriate the sum of thirteen thousand dollars to make certain repairs on the State Normal School and to provide furniture therefor, and also to provide for a deficiency in the appropriation for the twenty-sixth and twenty-seventh fiscal years for said school.

Also, Senate Bill No. 473—An Act to widen English street, in the City of Petaluma, and to take private lands therefor.

Also, Senate Bill No. 589—An Act to enable the City of Stockton to redeem its bonds falling due during the year eighteen hundred and seventy-six.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 27th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I nominate as Port Wardens for the Port of San Francisco the following-named persons: W. B. Norman, vice Porter Haden, term expired; Charles Wilson, vice J. Swain, term expired; Archie Harloe, vice self, term expired; and respectfully ask your honorable body to consent to their appointment.

WILLIAM IRWIN, Governor.

On motion of Mr. Evans, the Senate went into executive session to consider the appointments of the Governor.

Mr. Howe moved to postpone the consideration of the appointments until Wednesday next, at two o'clock P. M.

On which the ayes and noes were demanded by Messrs. Howe, Craig, and Donovan, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Donovan, Haymond, Hall, Howe, Laine, Lindsey, Martin, McInne, McGarvey, Montgomery, Numan, Rogers, and Tinnin—17.

NOES—Messrs. Beazell, Eakin, Edgerton, Evans, Farley, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hopkins, Lewis, McCarthy, McCoppin, O'Connor, Pierson, Roach, Satterwhite, Shirley, Spencer, Turner, and Tuttle—22.

Mr. Tinnin offered the following:

*Resolved*, That the nomination of W. B. Norman be now acted on by the Senate, and that the action of the Senate on the names of Harloe and Wilson be made the special order for Wednesday next, at two o'clock P. M.

Lost.

Upon the question, "Will the Senate advise and consent to the appointment of W. B. Norman, vice Porter Haden, term expired, as a Port Warden for the Port of San Francisco?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McInne, McGarvey, Montgomery, O'Connor, Pierson, Roach, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—37.

NOES—Messrs. Howe and Numan—2.

Whereupon the Chair announced the appointment of W. B. Norman, as a Port Warden of the Port of San Francisco, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Charles Wilson, vice J. Swain, term expired, as a Port Warden for the Port of San Francisco?" the roll was called, with the following result:

AYES—Messrs. Beazell, Bush, Craig, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Satterwhite, Shirley, Spencer, Turner, and Tuttle—32.

NOES—Messrs. Angney, Bartlett, Donovan, Howe, Laine, Lindsey, Rogers, and Timin—8.

Whereupon the Chair announced the appointment of Charles Wilson, as a Port Warden for the Port of San Francisco, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Archie Harloe, vice self, term expired, as a Port Warden for the Port of San Francisco?" the roll was called, with the following result:

AYES—Messrs. Bartlett, Beazell, Bush, Craig, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Satterwhite, Shirley, Spencer, Timin, Turner, and Tuttle—37.

NOES—Messrs. Angney and Rogers—2.

Whereupon the Chair announced the appointment of Archie Harloe, as a Port Warden for the Port of San Francisco, duly confirmed.

Mr. Craig submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, March 27th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 42—An Act providing for the opening, filling, grading, and macadamizing of Fifteenth Avenue extension, in the City and County of San Francisco.

Also, Senate Bill No. 479—An Act prohibiting the sale of intoxicating liquors within one mile of College City, Colusa County, California.

Also, Senate Bill No. 363—An Act to provide homes for homeless children in the City and County of San Francisco.

Also, Senate Bill No. 554—An Act concerning road poll-taxes in Tehama County.

Also, Senate Bill No. 424—An Act in relation to the State Burying grounds.

Also, Senate Bill No. 52—An Act making an appropriation to and exhibitors from the State of California at the Centennial Exhibition, to be held in the City of Philadelphia, in July, eighteen hundred and seventy-six.

CRAIG, for Committee.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, March 27th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 286—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Also, Senate Bill No. 388—An Act to provide for the redemption of the outstanding railroad bonds of Butte county.

Also, Senate Bill No. 64—An Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and to provide for the payment of the same.

Also, Senate Concurrent Resolution No. 45—Authorizing the Enrolling Clerk of the Senate to correct a clerical error in Senate Bill No. 435.

And on this twenty-seventh day of March, eighteen hundred and seventy-six, at one o'clock and forty-five minutes p. m., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

On motion of Mr. McCoppin, Senate Bill No. 58 was ordered tenth on the general file for to-morrow.



On motion of Mr. Tuttle, Senate Bill No. 61 was ordered eleventh on the general file for to-morrow.

#### SPECIAL ORDER.

The special order set for two o'clock p. m. was now taken up, being Senate Bill No. 134—An Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State.

All the Assembly amendments to the bill concurred in, excepting the amendment to section six, line fourteen, as follows: "Ninety-five per centum of."

On concurring in this amendment, the ayes and noes were demanded by Messrs. Lewis, Martin, and Craig, and the Senate refused to concur in the amendment, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Eakin, Flint, Hendricks, Hilborn, Howe, Laine, Lindsey, McCune, Montgomery, Numan, O'Connor, Roach, Spencer, Tinnin, and Tuttle—18.

NOES—Messrs. Beazell, Craig, Donovan, Edgerton, Evans, Farley, Fraser, Gibbons, Graves, Haymond, Hill, Hopkins, Lewis, Martin, McCarthy, McCoppan, McGarvey, Pierson, Rogers, Satterwhite, Shirley, and Turner—22.

On motion of Mr. Evans, the rules were suspended, and the bill ordered transmitted to the Assembly, with a request that that body recede from the amendment not concurred in by the Senate.

On motion of Mr. Tuttle, the rules were suspended, and Assembly Bill No. 546 ordered eighth on the general file for to-morrow.

Mr. McGarvey moved to suspend the rules, to make Senate Bill No. 620 a special order for Wednesday next, at one o'clock p. m.

Lost.

Mr. Haymond, by leave, offered a resolution, as follows:

*Resolved*, That the Engrossing Clerk of the Senate be and he is hereby authorized and directed to insert the words "two-thirds of" before the word "all," in line twenty-two, of section two, of Senate Bill No. 574.

Adopted.

#### SPECIAL ORDER.

Senate Bill No. 604—An Act to amend certain sections of the Political Code, to repeal certain sections, and to add a new section thereto.

Substitute adopted in Committee of the Whole concurred in.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

On motion of Mr. Laine, the rules were suspended, to take up Assembly Bill No. 393 for consideration.

Assembly Bill No. 393—An Act to amend sections two hundred and forty-five, two hundred and forty-six, and two hundred and forty-seven of the Political Code, and to add additional sections thereto.

Amendments concurred in.

Read third time and passed, and ordered to the Assembly immediately.

Mr. Craig submitted the following report:

SENATE CHAMBER, )  
SACRAMENTO, March 27th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 536—An Act to authorize the Board of Supervisors of the City and County of

San Francisco to transfer the sum of five thousand dollars from the General Fund to the Building Fund of said city and county.

Also, Senate Bill No. 585—An Act to amend an Act entitled an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

Also, Senate Bill No. 540—An Act to authorize the erection and maintenance of a draw-bridge across Petaluma Creek, in the City of Petaluma.

Also, Senate Bill No. 615—An Act concerning public records in the office of the County Recorder of San Bernardino County.

Also, Senate Bill No. 574—An Act in relation to the government of Sacramento County.

CRAIG, for Committee.

SENATE CHAMBER,  
SACRAMENTO, March 27th, 1876. }

Mr. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 412—An Act to provide for the issuance of the bonds of the County of Kern for the payment of the indebtedness of said county.

CRAIG, for Committee.

Senate Bill No. 358—An Act to amend section six hundred and ninety of the Code of Civil Procedure.

Considered as in Committee of the Whole.

RECESS.

At five o'clock P. M. the Senate took a recess.

RE-ASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

SPECIAL FILE.

Senate Bill No. 311—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint and license Public Weighers for said city and county.

Mr. Howe moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by Messrs. Bartlett, Howe, and McCarthy, and the roll was called, with the following result:

AYES—Messrs. Craig, Donovan, Eakin, Farley, Hill, Howe, McCoppin, McCune, Nunan, O'Connor, Roach, Satterwhite, Timmin, and Turner—14.

NOES—Messrs. Angney, Bartlett, Bush, Edgerton, Flint, Fraser, Hopkins, Laine, Lewis, Martin, McCarthy, Pierson, Spencer, and Timmin—14.

The President voted in the affirmative, and the bill was indefinitely postponed.

Assembly Bill No. 500—An Act to establish and maintain public and private roads in the County of Santa Cruz.

Amendments concurred in.

Read third time and passed.

Assembly Bill No. 642 was ordered at the head of the special file for to-morrow.

Assembly Bill No. 239—An Act concerning county officers of Lake County, their fees and salaries.

Substitute concurred in.

Read third time and passed.

Senate Bill No. 24—An Act in relation to public roads in the County of Sacramento.

Indefinitely postponed.

Assembly Bill No. 578—An Act to confer further powers on the Justices of the Peace of the City and County of San Francisco.

Mr. Bartlett moved to indefinitely postpone the bill.

Lost.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Nunan, Donovan, and Craig, and it passed, by a vote as follows:

AYES—Messrs. Beazell, Bush, Craig, Donovan, Edgerton, Flint, Fraser, Graves, Hilborn, Hopkins, Laine, Lewis, Martin, McCarthy, McCune, O'Connor, Pierson, Satterwhite, Spencer, Turner, and Tuttle—21.

NOES—Messrs. Auguey, Bartlett, Eakin, Hill, Howe, McCoppin, Nunan, Roach, Rogers, and Timin—10.

Mr. Donovan gave notice of a motion to reconsider the vote by which the bill passed.

Senate Bill No. 547—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county; and

Senate Bill No. 512—An Act relating to buildings, the more effectual prevention of fire, and the better preservation of life and property in the City and County of San Francisco;

Each indefinitely postponed.

Senate Bill No. 601 was re-referred to the San Francisco delegation.

Senate Bill No. 122—An Act supplementary to and amendatory of an Act, approved March thirtieth, eighteen hundred and seventy-four, entitled an Act supplementary to and amendatory of an Act entitled an Act to convey and dispose of certain salt marsh and tide lands belonging to the State of California.

Indefinitely postponed.

Senate Bill No. 470—An Act entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two, and supplementary thereof.

Mr. Bartlett moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by Messrs. McCarthy, Lewis, and Roach, and the motion prevailed, by a vote as follows:

AYES—Messrs. Auguey, Bartlett, Donovan, Farley, Graves, Hill, Howe, Laine, Lindsey, McCoppin, McCune, McGarvey, Nunan, O'Connor, Pierson, Satterwhite, Timin, and Tuttle—18.

NOES—Messrs. Beazell, Bush, Craig, Edgerton, Fraser, Gibbons, Hendricks, Lewis, Martin, McCarthy, Roach, Rogers, and Spencer—13.

Mr. Edgerton, by unanimous consent, introduced a bill as follows: An Act to provide for the drainage of the County of Sacramento.

Read first and second times, considered engrossed, and, by general consent, read third time, passed, and ordered to the Assembly immediately without engrossment.

Also, an Act to authorize certain liberties and to maintain certain restrictions in the County of Sacramento.

Read first and second times, and, by general consent, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

## SPECIAL FILE RESUMED.

Senate Bill No. 483—An Act to confirm Resolutions Numbers Three Thousand Eight Hundred and Sixty-eight and Three Thousand Nine Hundred and Ninety-two (new series) of the Board of Supervisors of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. McCoppin, Bartlett, and Craig, and it passed, by a vote as follows:

AYES—Messrs. Angney, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Fraser, Gibbons, Hendricks, Hilborn, Howe, Lewis, Martin, McCarthy, McCoppin, Pierson, Satterwhite, Spencer, and Turner—20.

NOES—Messrs. Bartlett, Bush, Graves, Hill, Laine, Lindsey, McCune, Numan, O'Connor, Roach, Tinnin, and Tuttle—12.

Ordered transmitted immediately to the Assembly without engrossment.

Mr. Gibbons, by leave, offered a resolution as follows:

*Resolved*, That the Enrolling Clerk of the Senate be and he is hereby instructed to return Senate Bill No. 524, for the purpose of correcting errors in and amending the same, and that said bill be placed with Assembly messages.

Adopted

## SPECIAL FILE RESUMED.

Senate Bill No. 306—An Act for the relief of R. M. Wilson.

Ordered second on the special file for to-morrow.

Senate Bill No. 606—An Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a labor school in and for said city and county.

Indefinitely postponed.

Senate Bill No. 607—An Act to amend section four of an Act entitled an Act repealing Article IV. of an Act entitled an Act to repeal the several charters of the City of San Francisco, etc.

Indefinitely postponed.

Assembly Bill No. 488—An Act to change and modify the grade, and to provide for the grading of certain portions of Montgomery Avenue, and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco.

Ordered third on the special file for to-morrow.

At nine o'clock and twenty minutes P. M. Mr. Lewis moved to adjourn.

Lost.

Senate Bill No. 618—An Act amendatory of and supplementary to an Act to establish water-works in the City and County of San Francisco.

Mr. Tinnin moved to place the bill fourth on the special file for to-morrow.

Lost.

At nine o'clock and twenty-five minutes P. M. Mr. McGarvey moved to adjourn.

Lost.

Mr. Lewis moved to make all the San Francisco bills the special order for to-morrow night.

Lost.



Mr. Hilborn offered a resolution as follows:

*Resolved*, That all San Francisco bills be placed at the head of the special file for Wednesday next, and be made the special order at that time.

The resolution, with an amendment offered by Mr. Craig, was laid on the table, on motion of Mr. Howe.

At nine o'clock and thirty-seven minutes p. m. Mr. Pierson moved to adjourn.

Lost.

Senate Bill No. 618 continued.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly immediately without engrossment.

At nine o'clock and forty-five minutes p. m. Mr. Graves moved to adjourn.

Lost.

Senate Bill No. 619—An Act to authorize the Board of Supervisors of the City and County of San Francisco to allow and order paid certain claims.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco.

At nine o'clock and forty-seven minutes p. m. Mr. Edgerton moved to adjourn until to-morrow, at ten o'clock and one minute.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Beazell, Craig, Edgerton, Evans, Fraser, Graves, Hendricks, Hopkins, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Pierson, Rogers, Satterwhite, Spencer, and Turner—18.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Flint, Gibbons, Hilborn, Hill, Howe, Laine, Lindsey, Martin, McCune, Numan, O'Connor, Roach, Timm, and Tuttle—19.

Mr. McCarthy moved to suspend the rules, to place Senate Bill No. 573 at the head of the file for to-morrow night.

At nine o'clock and fifty-two minutes p. m. Mr. McGarvey moved to adjourn.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Beazell, Craig, Edgerton, Evans, Farley, Gibbons, Hendricks, Hopkins, Lewis, Martin, McCarthy, McGarvey, Montgomery, Pierson, Rogers, Satterwhite, Shirley, and Spencer—18.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Flint, Fraser, Graves, Hilborn, Hill, Howe, Laine, Lindsey, McCoppin, McCune, Numan, O'Connor, Roach, Timm, Turner, and Tuttle—21.

Mr. Hendricks was granted leave of absence for one day.

Mr. Lewis moved to take up Senate Bill No. 525.

Lost.

#### ADJOURNMENT.

At nine o'clock and fifty-three minutes p. m. Mr. Edgerton moved to adjourn.

On which the ayes and noes were demanded by the requisite number, and the roll was called, with the following result:

AYES—Messrs. Beazell, Craig, Edgerton, Evans, Farley, Fraser, Gibbons, Graves, Hopkins, Lewis, Martin, McCarthy, McGarvey, Montgomery, Pierson, Rogers, Satterwhite, Shirley, Spencer, and Turner—20.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Eakin, Flint, Hilborn, Hill, Howe, Laine, Lindsey, McCoppin, McCune, Nunan, O'Connor, Roach, Tinnin, and Tuttle—18.

And the Senate adjourned.

## IN SENATE.

SENATE CHAMBER, )  
Tuesday, March 28th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

During the reading of the journal of yesterday, on motion of Mr. Bush, further reading of the same was dispensed with and approved.

### SPECIAL ORDER.

Senate Bills Nos. 112 and 534, and Assembly Bill No. 374.

On motion of Mr. Turner, the special order was postponed until one o'clock and thirty minutes P. M. to-day.

Mr. Haymond, by leave, offered a resolution as follows :

*Resolved*, That the Journal Clerk of the Senate compare the entries upon the Senate Journal of yesterday, relative to the constitutional amendments, with the entries relative thereto upon the journal of the twentieth session, and report whether there are any discrepancies between such entries.

Adopted.

Mr. Roach, by leave, submitted a report as follows :

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 463—An Act to utilize the prison labor and govern the House of Correction of the City and County of San Francisco—have considered the same, and report the same back, without recommendation.

ROACH, Chairman.

On motion of Mr. Tinnin, the rules were suspended, and Senate Bill No. 452 taken up for consideration.

Senate Bill No. 452—An Act to amend section one thousand and one of the Political Code.

Considered engrossed, read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Laine, Lewis, and Tinnin, and it passed, by a vote as follows :

AYES—Messrs. Beazell, Donovan, Eakin, Graves, Haymond, Hendricks, Howe, Lewis, Martin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle—21.

NOES—Messrs. Angney, Bartlett, Bush, Edgerton, Evans, Flint, Gibbons, Hilborn, Hill, Laine, Lindsey, Spencer, and Turner—13.

Mr. Rogers gave notice of a motion to reconsider the vote by which the bill passed.

On motion of Mr. Gibbons, Senate Bill No. 524 was recommitted to the Alameda delegation.

Mr. Lindsey moved to suspend the rules, to take from the general file, for consideration, Senate Bill No. 393.

On which the ayes and noes were demanded by Messrs. Tuttle, Lewis, and O'Connor, and the Senate refused, by a vote as follows :

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Edgerton, Flint, Fraser, Gibbons, Haymond, Hendricks, Hill, Laine, Lindsey, McCune, McGarvey, Montgomery, Numan, O'Connor, Shirley, Spencer, Timmin, and Tuttle—23.

NOES—Messrs. Craig, Evans, Graves, Hilborn, Hopkins, Lewis, Martin, McCarthy, McCoppin, Pierson, Rogers, Satterwhite, and Turner—13.

Mr. McGarvey offered the following resolution :

*Resolved by the Senate, the Assembly concurring,* That the Enrolling Clerk of the Senate be and he is hereby authorized and directed to add an additional section to Senate Bill No. 289, to read as follows : "This Act shall take effect from and after its passage."

Also, an additional section to Senate Bill No. 290, to read as follows : "Section Two. This Act shall take effect from and after its passage."

Adopted.

Mr. Martin submitted the following report :

MR. PRESIDENT: The Committee on Public Morals have had under consideration Senate Bill No. 594, and report the same back, with a substitute, and recommend the adoption and passage of the substitute.

Also, Senate Bill No. 595—In relation to the adulteration of liquors—and report the same back, without recommendation.

Also, Assembly Bill No. 533, and report the same back, without recommendation.

MARTIN, for Committee.

Mr. Haymond moved to reconsider the vote by which Senate Bill No. 633 passed on yesterday.

On motion of Mr. Timmin, the motion was laid on the table.

#### GENERAL FILE.

Senate Bill No. 514—An Act in relation to irrigation.

On motion of Mr. O'Connor, the bill was ordered tenth on the general file for to-morrow.

Senate Bill No. 52—An Act making an appropriation to aid exhibitors from the State of California at the Centennial Exhibition, to be held in the City of Philadelphia, in July, eighteen hundred and seventy-six.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Laine, Graves, and Angney, and it passed, by a vote as follows :

AYES—Messrs. Donovan, Edgerton, Evans, Flint, Fraser, Hendricks, Hilborn, Hopkins, Howe, Laine, Lewis, Martin, McCarthy, McCoppin, Numan, Pierson, Roach, Rogers, and Turner—19.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Eakin, Gibbons, Graves, Haymond, Hill, Lindsey, McCune, Montgomery, O'Connor, Satterwhite, Shirley, Spencer, Timmin, and Tuttle—18.

Mr. Laine gave notice of a motion to reconsider the vote by which the bill passed.

Senate Bill No. 358—An Act to amend section six hundred and ninety of the Code of Civil Procedure.

Mr. Evans offered an amendment as follows: Amend second subdivision by inserting the following: "One piano in actual use in a family or belonging to a woman."

On the adoption of the amendment, the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Beazell, Edgerton, Evans, Flint, Haymond, Lewis, Martin, Numan, Roach, Rogers, Spencer, and Tuttle—12.

NOES—Messrs. Anguey, Bartlett, Bush, Donovan, Eakin, Farley, Fraser, Gibbons, Graves, Hendricks, Hill, Hopkins, Howe, Laine, Lindsey, McCoppin, McCune, McGarvey, Montgomery, O'Connor, Pierson, Satterwhite, Shirley, Tinnin, and Turner—25.

Mr. Donovan moved to suspend the rules, to consider the bill engrossed and place it on its third reading and passage.

On which the ayes and noes were demanded by Messrs. Lewis, Donovan, and Laine, and the motion prevailed, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Beazell, Bush, Donovan, Eakin, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hill, Howe, Laine, Lindsey, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—32.

NOES—Messrs. Edgerton, Lewis, and McCarthy—3.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Evans, Lewis, and Donovan, and it passed, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Bush, Donovan, Eakin, Farley, Fraser, Gibbons, Graves, Hill, Howe, Laine, Lewis, Lindsey, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, O'Connor, Pierson, Roach, Rogers, Shirley, Spencer, Tinnin, Turner, and Tuttle—29.

NOES—Messrs. Edgerton, Evans, Flint, and Haymond—4.

Mr. Lewis gave notice of a motion to reconsider the vote by which the bill passed.

#### ASSEMBLY MESSAGES.

On motion of Mr. Farley, the following Assembly messages were taken up:

##### ASSEMBLY CHAMBER.

SACRAMENTO, March 27th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 433—An Act to add a new section to the Political Code, to be known as section one thousand two hundred and thirteen, relative to election tickets.

Also, Senate Bill No. 290—An Act to amend section one hundred and thirty-two of the Political Code, relating to judicial districts.

Also, Senate Bill No. 291—An Act to amend section sixty-four of the Code of Civil Procedure.

Also, Senate Bill No. 629—An Act concerning the Burlingame Treaty.

Also, amended and passed Senate Bill No. 496—An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin.

Also, passed Assembly Bill No. 631—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia, in Tuolumne County, to Modesto or Oakdale, in Stanislaus County.

Also, that the Assembly receded from its amendment to section six of Senate Bill No. 289.

O'NEIL, Assistant Clerk

##### ASSEMBLY CHAMBER,

SACRAMENTO, March 27th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-second, passed Assembly Bill No. 579—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Also, on March twenty-third, passed Assembly Bill No. 358—An Act to regulate and govern the California State Prison.

Also, Assembly Bill No. 371—An Act for the relief of Michael Purcell.

Also, Assembly Bill No. 427—An Act to amend an Act entitled an Act to organize and regulate the Justices' Courts of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.



Also, Assembly Bill No. 456—An Act to provide for the distribution of school money in the County of Marin.

Also, Assembly Bill No. 581—An Act to require the City Assessor and City Tax Collector of the City of Sacramento to perform certain duties in collecting the revenue of said city.

Also, on this date, passed Senate Bill No. 460—An Act to revise an Act entitled an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government, approved March twenty-sixth, A. D. eighteen hundred and seventy-four.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER.

SACRAMENTO, March 27th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 644—An Act to amend an Act supplemental to and amendatory of an Act entitled an Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein mentioned, approved April second, eighteen hundred and sixty-six, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 646—An Act to further define the duties of the several elective officers of the City and County of San Francisco.

Also, Assembly Bill No. 690—An Act to amend section six hundred and thirty-two of the Penal Code.

Also, Assembly Bill No. 482—An Act to reincorporate the City of San Diego.

Also, refused to pass Senate Bill No. 462—An Act in regard to the payment of coupons on Sacramento City bonds funded under the Acts of April twenty-fourth, eighteen hundred and fifty-eight, and March twenty-second, eighteen hundred and sixty-four.

Also, to return, at request of its author, Senate Bill No. 431—An Act to amend an Act entitled an Act to provide for the building of a school-house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 413—An Act granting the Omnibus Railroad Company certain rights therein named.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER.

SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-seventh, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 651—An Act to encourage the propagation of fish in Lake Elinor, Tuolumne County.

Also, Assembly Bill No. 765—An Act entitled an Act amendatory of an Act to establish a Paid Fire Department in the City of Sacramento.

Also, Assembly Bill No. 766—An Act concerning the Auditor of the City of Sacramento.

Also, Assembly Bill No. 768—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Also, Assembly Bill No. 748—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Also, on same date, passed Senate Bill No. 326—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco.

Also, Senate Bill No. 430—An Act for the relief of George Green and James Smith, of the City and County of San Francisco.

Also, Senate Bill No. 455—An Act to prevent hogs and goats running at large on certain lands in this State.

Also, Senate Bill No. 519—An Act to repeal an Act entitled an Act to protect agriculture and to prevent the trespassing of animals in Tehama County.

Also, Senate Bill No. 627—An Act to incorporate the Town of Red Bluff, Tehama County.

Also, amended and passed Senate Bill No. 344—An Act to authorize the City of Oakland to construct main sewers.

Also, Senate Bill No. 538—An Act to regulate the fees and compensation of the Sheriff of the County of Sacramento.

Also, that the Assembly concurred in Senate amendments to Assembly Bills Nos. 239, 293, 491, 500, 501, 52, and 551; and refused to concur in Senate amendments to Assembly Bill No. 44, and request the Senate to recede from the same.

Also, that the House refused to recede from its amendments to Assembly Bill No. 45, the Speaker appointing Messrs. Cornwell, Serviner, and Blackwell, as a Committee of Conference on the same.

Also, that the Assembly adopted the accompanying resolution with reference to Senate Bill No. 134:

*Resolved*, That Senate Bill No. 134 be returned to the Senate for the purpose of correction, by an indorsement of their action upon Assembly amendment to section eleven of said bill, and that the Senate be requested to return the same immediately.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-fifth, passed, and on this day ordered transmitted to the Senate without engrossment, Assembly Bill No. 626—An Act to amend section one thousand three hundred and sixty-five of the Code of Civil Procedure.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 605—An Act concerning the removal of deceased persons from the State of California.

Also, Assembly Bill No. 776—An Act to permit Nancy Wilson, a widow, to redeem certain lands, sold to the State for delinquent taxes for the fiscal year eighteen hundred and seventy-four-five.

Also, Assembly Bill No. 775—An Act supplemental to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four.

Also, substitute for Assembly Bill No. 700—An Act amendatory of and supplemental to an Act entitled an Act to incorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-fifth day of March, passed Assembly Bill No. 726—An Act to appropriate one hundred and ten thousand dollars for the construction of a building for the California Institution for the Education of the Deaf, Dumb, and Blind.

CAYLAT, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 134—An Act to provide for the appointment of a Commission of Transportation, and to prevent extortions and discriminations in fares and freights on railroads within this State—reported as per above resolution.

The Secretary was directed to indorse the following amendment as having been concurred in by the Senate: Amend section eleven by inserting after the word "examine," in second line, the words "the books and papers of any railroad corporation or line, and also."

The bill was ordered transmitted immediately to the Assembly.

Assembly Bills Nos. 482 and 700, above reported, each read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 626, above reported, read first and second times.

Mr. Haymond moved to refer the bill to the Judiciary Committee.

On which the ayes and noes were demanded by Messrs. Evans, Angney, and Fraser, and the Senate refused, by a vote as follows:

AYES—MESSRS. Bartlett, Edgerton, Haymond, McGarvey, Nunan, O'Connor, Rogers, Turner, and Tuttle—9.

NOES—MESSRS. Angney, Beazell, Bush, Evans, Farley, Flint, Fraser, Gibbons, Graves, Hendricks, Hill, Hopkins, Howe, Laine, Lindsey, Martin, Montgomery, Pierson, Roach, Satterwhite, Shirley, Spencer, and Tinnin—23.

Rules suspended, read third time, passed, and ordered to the Assembly immediately.

Assembly Bill No. 358, above reported, read first and second times and referred to the Committee on State Prison.

Assembly Bill No. 631, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bills Nos. 690 and 651, above reported, each read first and second times and referred to the Committee on Fisheries.

Assembly Bill No. 605, above reported, read first and second times.

On motion of Mr. Fraser, the bill was made a special order for tomorrow, at two o'clock P. M.

Assembly Bill No. 776, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 775, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 726, above reported, read first and second times and referred to the Committee on Finance.

Assembly Bill No. 456, above reported, read first and second times and referred to the Committee on Education.

Assembly Bill No. 433, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bills Nos. 765, 748, 579, 646, 768, 644, 371, 427, 766, and 581, above reported, each read first and second times and referred to the delegations named in the bills.

Senate Bill No. 344, above reported, referred to the Alameda delegation.

Assembly Bill No. 45. The Chair appointed, as a Committee of Conference on the part of the Senate to consider the disagreeing vote between the two Houses on the bill above reported, Messrs. Eakin, Lewis, and O'Connor.

Senate Bills Nos. 496 and 538, above reported, Assembly amendments to the bills concurred in.

The President presented the following report :

SACRAMENTO, March 28th, 1876.

MR. PRESIDENT: In obedience to a resolution of the Senate to-day, I have the honor to report that I have carefully compared the entries upon the journal of yesterday, relative to the proposed constitutional amendments, with the entries relative thereto upon the Senate journal of the twentieth session, and find no discrepancies between such entries.

G. B. COSBY, Journal Clerk of Senate.

Mr. Bush submitted the following report :

MR. PRESIDENT: The Los Angeles delegation, to whom was referred Assembly Bill No. 752—An Act to create a Board of Public Works in and for the City of Los Angeles—have considered the same, and report it back, with the recommendation that it pass.

BUSH, for Delegation.

Rules suspended, and the bill above reported taken up for consideration.

Read third time and passed.

Mr. Flint submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 622—An Act supplemental to an Act entitled an Act to protect agriculture in the County of Calaveras, approved March twenty-fourth, eighteen hundred and seventy-four.

Also, substitute for Senate Bill No. 527—An Act to authorize the payment to B. E. Hunt, or his assigns, for services as teacher in Calistoga School District, Napa County.

Also, Senate Bill No. 530—An Act to incorporate the Town of Martinez, and to provide for the government thereof.

Also, Senate Bill No. 441—An Act authorizing the Police Judge's Court and the Municipal Criminal Court of the City and County of San Francisco to commit persons convicted of certain crimes to the House of Correction, and to order the transfer of persons confined in the County Jail of said city and county to the House of Correction.

FLINT, for Committee.

On motion of Mr. Lewis, the rules were suspended, and Senate Bill No. 546 taken from the general file for consideration.

Senate Bill No. 546—An Act to confer certain powers upon the Directors of the Deaf, Dumb, and Blind Asylum.

Considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

#### GENERAL FILE.

Senate Bill No. 368—An Act relating to bank deposits.

#### RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

#### RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.  
President in the chair.

Roll called, and a quorum present.

The special order set for one o'clock and thirty minutes P. M. was temporarily postponed.

Mr. Angney, for the Committee on Fisheries, verbally reported substitute for Assembly Bills Nos. 157 and 158—An Act to prevent wanton destruction of fish and to provide penalties therefor:

Also, Assembly Bill No. 137—An Act to protect fish in the County of Del Norte—without recommendation.

#### INTRODUCTION OF BILLS.

Bills were introduced, by general consent, as follows:

By Mr. McGarvey—An Act to provide for the payment of the funded indebtedness of Mendocino County.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time, passed, and ordered to the Assembly immediately without engrossment.

By Mr. Haymond—An Act to authorize the County of Sacramento to pay a demand against said county and the State of California, and to obtain a credit for the payment of the State's proportion thereof.

Read first and second times and referred to the Judiciary Committee, with instructions to report the same to-morrow morning.

#### SPECIAL ORDER.

Senate Bill No. 112—An Act to prescribe the manner of furnishing text-books for the public schools of this State;

Senate Bill No. 534—An Act to confer additional powers upon County Boards of Examination and City Boards of Education; and

Assembly Bill No. 374—An Act to reorganize and simplify the school system and public education of the State of California.



Mr. Lewis moved to take up Senate Bill No. 534 first for consideration.

On which the ayes and noes were demanded by the requisite number, and the roll was called, with the following result :

AYES—Messrs. Edgerton, Evans, Flint, Fraser, Graves, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McGarvey, Pierson, Spencer, and Turner—15.

NOES—Messrs. Angney, Bartlett, Farley, Gibbons, Laine, McCoppin, McCune, Montgomery, O'Connor, Roach, Rogers, Satterwhite, Shirley, Tinnin, and Tuttle—15.

The President voted in the negative, and the motion was lost.

Senate Bill No. 112 was taken up.

Mr. Lewis moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by Messrs. Tuttle, Lewis, and Roach, and the motion prevailed, by a vote as follows :

AYES—Messrs. Angney, Bush, Donovan, Edgerton, Evans, Flint, Fraser, Graves, Hilborn, Hopkins, Laine, Lewis, Lindsey, Martin, McCune, McGarvey, Numan, Pierson, Spencer, and Turner—20.

NOES—Messrs. Bartlett, Beazell, Gibbons, Haymond, Hill, Howe, McCoppin, Montgomery, O'Connor, Roach, Satterwhite, Shirley, Tinnin, and Tuttle—14.

Mr. Craig submitted the following reports :

SENATE CHAMBER.

SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT : Your Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 625—An Act to authorize the compromise of certain litigation concerning a portion of the water-front of the City and County of San Francisco.

Also, Senate Bill No. 490—An Act granting further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 624—An Act concerning Lee School District, in the County of Sacramento.

Also, substitute for Senate Bill No. 569—An Act to provide for the preservation and improvement of Golden Gate Park, in the City and County of San Francisco.

CRAIG, for Committee.

SENATE CHAMBER.

SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT : Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 523—An Act to authorize the Board of Supervisors of Santa Cruz County to arrange with the Santa Cruz Railroad Company to change its railroad so as to pass through the Town of Watsonville.

Also, Senate Bill No. 619—An Act to authorize the Board of Supervisors of the City and County of San Francisco to allow and order paid certain claims.

CRAIG, for Committee.

Senate Bill No. 534 was taken up.

Amendment concurred in.

Mr. Tuttle offered an amendment as follows : Strike out all after the word "years," in line three.

On which the ayes and noes were demanded by Messrs. Tuttle, Tinnin, and Lewis, and the amendment was lost, by a vote as follows :

AYES—Messrs. Bartlett, Bush, Donovan, Edgerton, Gibbons, Haymond, Howe, Laine, McCoppin, McCune, Montgomery, Roach, Spencer, Tinnin, and Tuttle—15.

NOES—Messrs. Angney, Evans, Farley, Flint, Fraser, Graves, Hilborn, Hill, Hopkins, Lewis, Lindsey, Martin, McGarvey, O'Connor, Pierson, Rogers, Satterwhite, and Turner—18.

Mr. Tuttle offered the following amendment : "This Act shall not apply to the Counties of Sonoma and Alameda."

On which the ayes and noes were demanded by Messrs. Tuttle, Lindsey, and Fraser, and the amendment was lost, by a vote as follows :

AYES—Messrs. Bartlett, Beazell, Bush, Donovan, Farley, Gibbons, Haymond, Hill, Howe, McCoppin, McCune, Montgomery, Roach, Rogers, Shirley, Tinnin, and Tuttle—17.

NOES—Messrs. Angney, Craig, Edgerton, Evans, Flint, Fraser, Graves, Hilborn, Hopkins, Laine, Lewis, Lindsey, Martin, McCarthy, McGarvey, Nunan, O'Connor, Pierson, Satterwhite, Spencer, and Turner—21.

The bill was amended, on motion of Mr. Laine.

Mr. Laine offered an amendment as follows: "*Provided*, that the Trustees of any public school may, by unanimous vote, continue in use any text-book already in use, notwithstanding a change may be ordered by a county, city, or town authority, as in section one thousand eight hundred and seventy-four provided."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Tuttle, McCune, and Gibbons, and it was adopted, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Farley, Gibbons, Haymond, Hendricks, Hill, Laine, Lindsey, McCune, Montgomery, Nunan, O'Connor, Roach, Satterwhite, Shirley, Spencer, Tinnin, and Tuttle—22.

NOES—Messrs. Craig, Edgerton, Evans, Flint, Fraser, Graves, Hilborn, Hopkins, Lewis, Martin, McCarthy, McGarvey, Pierson, and Turner—14.

Mr. Donovan offered a substitute for the bill.

Lost.

Mr. Tuttle offered an amendment as follows: "*And provided further*, that no change shall be made until six months' notice shall have been given in some newspaper in the county."

On motion of Mr. Satterwhite, the amendment was amended to read "three," instead of "six months."

The amendment was adopted as amended.

Mr. Pierson moved to suspend the rules, to consider the bill engrossed and place it on its third reading and passage.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

\* AYES—Messrs. Angney, Bush, Craig, Edgerton, Evans, Farley, Flint, Fraser, Graves, Hendricks, Hilborn, Hopkins, Laine, Lewis, Lindsey, Martin, McCarthy, McCune, Montgomery, Pierson, Satterwhite, Spencer, and Turner—23.

NOES—Messrs. Bartlett, Beazell, Donovan, Gibbons, Hill, Howe, Nunan, O'Connor, Roach, Tinnin, and Tuttle—11.

Read third time, passed, and ordered engrossed out of its order.

Mr. Lewis, by consent, withdrew a notice heretofore given, to reconsider the vote by which Senate Bill No. 358 passed.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER, )  
SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 521—An Act to provide for the opening and extending of Liedesdorf street, in the City and County of San Francisco.

Also, substitute for Senate Bill No. 435—An Act to amend an Act entitled an Act to reincorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, amended March twenty-sixth, A. D. eighteen hundred and seventy.

Also, substitute for Senate Bill No. 529—An Act supplementary to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and the Acts amendatory thereof and supplementary thereto.

Also, Senate Bill No. 632—An Act to fix the terms of the County Court in the County of El Dorado.

Also, Senate Bill No. 491—An Act relating to fees and salaries of certain officers in Yuba County.

Also, Senate Bill No. 466—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

And on this twenty-eighth day of March, eighteen hundred and seventy-six, at three o'clock and thirty minutes p. m., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

#### ASSEMBLY MESSAGES.

On motion of Mr. Farley, the following Assembly messages were taken up.

ASSEMBLY CHAMBER. )  
SACRAMENTO, March 27th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly refused to recede from its amendment to section six of Senate Bill No. 134, and the Speaker appointed Messrs. Scrivner, Archer, and McKenna, as a Committee of Free Conference on part of the Assembly on the same.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER. )  
SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-seventh, amended and passed Senate Bill No. 8—An Act to amend certain sections of the Political Code and to repeal certain sections of said Code, all relating to insurance.

Also, Senate Bill No. 12—An Act to amend certain sections of the Civil Code and to add certain new sections to said Code, all relating to insurance.

Also, on this date, passed Senate Bill No. 383—An Act to incorporate the Town of Livermere, Alameda County.

Also, Senate Bill No. 412—An Act to provide for the issuance of the bonds of the County of Kern for the payment of the indebtedness of said county.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER. )  
SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended and passed, and ordered transmitted immediately, Senate Bill No. 597—An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code.

CAYLAT, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 134. The Chair appointed, as a Committee of Conference on the part of the Senate to consider the disagreeing vote between the two Houses in reference to the bill above reported, Messrs. Farley, Edgerton, and Pierson.

Senate Bills Nos. 8 and 12, above reported.

Mr. Roach presented a petition from one thousand five hundred citizens of San Francisco, favoring the amendments to the bills.

Ordered at the head of the general file for to-morrow.

Senate Bill No. 597, above reported, referred to the Committee on Fisheries.

On motion of Mr. Turner, Assembly Bill No. 374 was ordered second on the general file for to-morrow.

Mr. Roach submitted the following report:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 632—An Act to further regulate the Paid Fire Department of the City and County of San Francisco, and to amend and supplement the several Acts relating thereto—have considered the same, and recommend its passage.

Also, have considered Assembly Bill No. 376—An Act to repeal Article IV. of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV.—and recommend the passage of the same as amended.

Also, have considered Assembly Bill No. 668—An Act in relation to certain street improvements in the City and County of San Francisco—and report the same back as amended, without recommendation.

Also, have considered Assembly Bill No. 770—An Act to authorize the Prosecuting Attorney of the Police Judge's Court of the City and County of San Francisco to appoint a clerk—and recommend the passage of the same.

Also, have considered Senate Bill No. 635—An Act to facilitate the transaction of business in the office of the Auditor of the City and County of San Francisco—and recommend the passage of the same.

Also, Senate Bill No. 601—An Act to amend an Act entitled an Act to amend an Act entitled an Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto, approved March thirtieth, eighteen hundred and seventy-two, approved March eleventh, eighteen hundred and seventy-four—and recommend the passage of the same as amended.

Also, have considered Senate Bill No. 614—An Act to open and establish a public street in the City and County of San Francisco, to be called Sixth street, to take private lands, etc.—and have prepared a substitute therefor, and recommend the passage of the substitute.

ROACH, Chairman.

Mr. Tuttle gave notice of a motion to reconsider the vote by which Senate Bill No. 534 passed.

At five o'clock P. M., Mr. Pierson moved to adjourn until ten o'clock A. M. to-morrow.

Mr. Laine moved to adjourn until half-past seven o'clock this evening.

Lost.

On the motion of Mr. Pierson, the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—MESSRS. Edgerton, Evans, Farley, Fraser, Graves, Hopkins, Lewis, McCarthy, McGarvey, Pierson, and Satterwhite—11.

NOES—MESSRS. Angney, Bartlett, Beazell, Bush, Donovan, Flint, Gibbons, Haymond, Hendricks, Hilborn, Hill, Laine, Lindsey, Martin, McCoppin, McCune, Montgomery, Numan, O'Connor, Roach, Shirley, Spencer, Tinnin, Turner, and Tuttle—25.

RECESS.

The Senate took a recess until seven o'clock and thirty minutes P. M.

RE-ASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

Mr. Haymond, for the Judiciary Committee, verbally reported Senate Bill No. 634—An Act to add a new section to the Civil Code—and moved that the bill be ordered at the head of the general file for to-morrow.

So ordered.

Also, for the Sacramento delegation, Assembly Bill No. 478—An Act prescribing the manner of counting the moneys in the hands of the County Treasurer of the County of Sacramento—and moved that the bill be ordered on the special file for to-morrow.

So ordered.

Mr. Craig moved to instruct the Committee on Fisheries to report Senate Bill No. 597 to-morrow morning.

Mr. Turner moved to lay the motion on the table.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:



AYES.—Messrs. Anguey, Bartlett, Beazell, Bush, Edgerton, Gibbons, Hilborn, Hill, Laine, Lewis, Lindsey, Montgomery, Pierson, Turner, and Tuttle—15.

NOES.—Messrs. Craig, Donovan, Evans, Farley, Fraser, Graves, Haymond, Hendricks, Hopkins, Howe, Martin, McCune, McGarvey, Numan, O'Connor, Roach, Rogers, Satterwhite, Spencer, and Tinnin—20.

When the motion prevailed.

Mr. Martin, for the delegation, verbally reported Assembly Bill No. 263—An Act amendatory of an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same, approved March thirteenth, eighteen hundred and seventy-four.

Amendments adopted.

Read third time and passed.

Title amended.

Mr. Howe, by leave, introduced a bill as follows: An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane for the twenty-seventh fiscal year, ending the thirtieth day of June, eighteen hundred and seventy-six.

Read first and second times and referred to the Committee on Finance.

#### SPECIAL FILE.

Assembly Bill No. 642—An Act to provide for the government of the public schools of the City of Sacramento.

Passed on file.

Senate Bill No. 306—An Act for the relief of R. M. Wilson.

Mr. Evans offered a substitute.

Substitute adopted.

Mr. Tinnin moved to transfer the bill to the general file.

Lost.

Mr. Evans moved to suspend the rules, to consider the bill engrossed and place it on its third reading and passage.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, two-thirds failing to vote in the affirmative:

AYES.—Messrs. Bush, Craig, Edgerton, Evans, Farley, Flint, Gibbons, Graves, Haymond, Hendricks, Hopkins, Howe, Martin, McCarthy, McCoppin, Montgomery, Numan, Pierson, Rogers, and Spencer—20.

NOES.—Messrs. Anguey, Bartlett, Beazell, Donovan, Fraser, Hilborn, Hill, Laine, Lindsey, McCune, McGarvey, O'Connor, Roach, Satterwhite, Shirley, Tinnin, and Tuttle—17.

The bill was ordered engrossed.

Assembly Bill No. 488—An Act to change and modify the grade and to provide for the grading of certain portions of Montgomery Avenue, and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco.

Read third time and passed.

Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco.

Reported from the Committee of the Whole with amendments.

Mr. McCoppin offered a substitute for the amendment to section one, as follows: In line twenty strike out the words "less than fifteen," and insert in lieu thereof the words "more than sixteen."

Lost.

Mr. Numan moved to amend the amendment as follows: Strike out the amendment "not more," and reinsert "not less."

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Hill, Howe, Laine, Lindsey, Martin, McCoppin, McCune, Nunan, O'Connor, Roach, Tinnin, and Tuttle—16.

NOES—Messrs. Beazell, Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hilborn, Hopkins, Lewis, McCarthy, McGarvey, Montgomery, Pierson, Rogers, Satterwhite, Shirley, Spencer, and Turner—22.

On concurring in the amendment offered by Mr. Pierson, adopted in Committee of the Whole, to section one, line twenty, to strike out the words "less than sixteen," and insert in lieu thereof the words "more than fifteen," the ayes and noes were demanded by the requisite number, and it was concurred in, by a vote as follows:

AYES—Messrs. Beazell, Craig, Edgerton, Evans, Flint, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hopkins, Lewis, McCarthy, McGarvey, Montgomery, Pierson, Rogers, Satterwhite, Shirley, and Spencer—20.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Farley, Hill, Howe, Laine, Lindsey, Martin, McCoppin, McCune, Nunan, O'Connor, Roach, Tinnin, Turner, and Tuttle—18.

Mr. Roach moved to strike out, in line thirty-one, "three dollars and fifty cents," and insert "three dollars and twenty-five cents."

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Hill, Howe, Laine, Lindsey, Martin, McCune, Nunan, O'Connor, Roach, Tinnin, and Tuttle—15.

NOES—Messrs. Beazell, Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hopkins, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Pierson, Rogers, Satterwhite, Shirley, Spencer, and Turner—23.

Mr. McCoppin offered the following: Amend the amendment to section one, line thirty-one, by striking out the words "fifty cents," and insert in lieu thereof the words "forty cents."

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Bush, Donovan, Farley, Haymond, Hill, Howe, Laine, Lindsey, Martin, McCoppin, McCune, Nunan, O'Connor, Roach, Turner, and Tuttle—17.

NOES—Messrs. Angney, Craig, Edgerton, Evans, Flint, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hopkins, Lewis, McCarthy, McGarvey, Montgomery, Pierson, Rogers, Satterwhite, Shirley, and Spencer—20.

Other amendments to the bill were concurred in.

Read third time and passed.

Mr. Tuttle, for the Committee on Education, verbally reported Assembly Bill No. 456—An Act to provide for the distribution of school money in the County of Marin—recommending its passage.

Rules suspended, and the bill taken up for consideration.

Read third time and passed.

Mr. Hendricks, for the Committee on Mines and Mining Interests, verbally reported Senate Bill No. 621—An Act to regulate the recording of mining locations in Calaveras County—without recommendation.

By Mr. Gibbons:

MR. PRESIDENT: The Alameda delegation, to whom was referred Senate Bill No. 344—An Act authorizing the City of Oakland to construct main sewers—and the Assembly amendments thereto, report the same back, and recommend the adoption of amendments numbered one, two, three, four, five, six, seven, and eight, and non-concurrence in amendments numbered nine and ten.

GIBBONS, for Delegation.

The report was adopted.

Mr. Nunan moved to reconsider the vote by which Assembly Bill No. 578 passed on yesterday.

On motion of Mr. Craig, the motion was indefinitely postponed.

Senate Bill No. 355—An Act to open and establish a public street in the City and County of San Francisco, to be called Seventh street, to take private lands therefor, to grade, macadamize, and improve a certain portion of Seventh street.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Bartlett gave notice of a motion to reconsider the vote by which the bill passed.

#### ADJOURNMENT.

At ten o'clock and thirteen minutes P. M., on motion of Mr. O'Connor, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, March 29th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

During the reading of the journal of yesterday, on motion of Mr. Lindsey, further reading of the same was dispensed with and approved.

#### REPORTS.

By Mr. Shirley:

MR. PRESIDENT: Your Committee on State Prison and Prison Buildings would most respectfully inform your honorable body that it has had under consideration Assembly Bill No. 358—An Act to regulate and govern the California State Prison—and beg leave to report the same back, without recommendation.

Also, had under consideration Assembly Bill No. 611—An Act to provide for the completion of the Branch State Prison—and would report the same back, and recommend that it do not pass.

SHIRLEY, Chairman.

Mr. Edgerton moved to suspend the rules, to make Assembly Bill No. 611, above reported, a special order for to-morrow, at eleven o'clock A. M.

Lost.

By Mr. Shirley:

MR. PRESIDENT: Your Committee on State Prison and Prison Buildings would most respectfully submit their joint supplemental report for your consideration.

SHIRLEY, Chairman.

The report was taken up for consideration, which closed as follows:

"The following list of names, furnished by the officers of the State Prison, is most respectfully submitted to the Governor for his favorable consideration, the committee recommending that he take such action in the matter as he may deem just and proper." \* \* \*

On the adoption of the report, the ayes and noes were demanded by Messrs. O'Connor, Timmin, and Angney, and it was adopted, by a vote as follows:

AYES—Messrs. Angney, Beazell, Bush, Donovan, Edgerton, Evans, Farley, Fraser, Gibbons, Graves, Haymond, Hendricks, Hopkins, Howe, Lewis, Lindsey, Martin, McCoppin, Montgomery, Nunan, Pierson, Rogers, Satterwhite, Spencer, Turner, and Tuttle—26.

NOES—Messrs. Bartlett, Hill, Laine, McCune, O'Connor, Roach, and Tinnin—7.

On motion of Mr. Shirley, the rules were suspended, and the report was ordered to the Assembly.

Mr. Graves, for the delegation, verbally reported Assembly Bill No. 565—An Act amendatory of and supplementary to an Act entitled an Act to regulate fees of office in the County of San Luis Obispo, approved March twenty-ninth, eighteen hundred and seventy—recommending its passage.

Mr. Hill, for the delegation, verbally reported Assembly Bill No. 757—An Act to amend an Act entitled an Act to incorporate the City of Healdsburg, approved March twenty-sixth, eighteen hundred and seventy-four—recommending its passage.

Mr. Haymond, by general consent, withdrew the engrossed copy of Senate Bill No. 24—An Act in relation to public roads in the County of Sacramento.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER. )  
SACRAMENTO, March 29th, 1876. )

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, by motion, requested the return of Senate Bill No. 597, the same having been transmitted by mistake, pending a motion to reconsider.

O'NEIL, Assistant Clerk.

The bill above reported was ordered returned to the Assembly.

Mr. Rogers, by leave, withdrew a motion to reconsider Senate Bill No. 452—An Act to amend section one thousand and one of the Political Code.

The bill was ordered to the Assembly immediately.

#### GENERAL FILE.

On motion of Mr. Hendricks, the rules were suspended, to take up out of its order Senate Bill No. 399—An Act concerning the office of State Geologist, and to repeal certain sections of the Political Code relating thereto.

Mr. Tinnin moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by Messrs. Bush, Laine, and Lindsey, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Beazell, Bush, Farley, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, McCune, Montgomery, O'Connor, Satterwhite, and Tinnin—15.

NOES—Messrs. Bartlett, Edgerton, Flint, Fraser, Graves, Haymond, Hendricks, Martin, McCoppin, McGarvey, Nunan, Pierson, Roach, Spencer, Turner, and Tuttle—16.

Substitute adopted and the bill ordered engrossed.

Mr. McCoppin submitted a report as follows:

MR. PRESIDENT: Your committee appointed to investigate the sale of tide and marsh lands on Mission Creek, in San Francisco, to one Ellis, beg to report that the parties hereinafter named have performed the services specified, and, in our judgment, are entitled to the amounts



set opposite their respective names, and recommend the payment of the same, out of the appropriation for the contingent expenses of the Senate.

McCOPPIN, Chairman.

On motion of Mr. McCoppin, the report was referred to the Committee on Contingent Expenses.

By Mr. Laine:

MR. PRESIDENT: The Senate Special Committee on Retrenchment, to whom was referred Senate Bills Nos. 599 and 583, have carefully considered the same, and report as follows: They have carefully prepared a substitute for Senate Bill No. 599, and report the bill and substitute back, and recommend the adoption and immediate passage of the substitute, as it is of urgent and great importance to the State.

They also report back Senate Bill No. 383, with a recommendation that it do not pass, as its provisions are incorporated in the substitute to Senate Bill No. 599.

LAINE, Chairman.

Rules suspended, and Senate Bill No. 599, above reported, taken up for consideration.

Substitute adopted.

Mr. Laine offered an amendment as follows: Amend section eight by striking out the words "three thousand," in lines four and five, and insert "two thousand four hundred."

Lost.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly immediately without engrossment.

Mr. Roach, by leave, introduced a bill as follows: An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof.

Read first and second times and ordered at the head of the special file for to-night.

Mr. O'Connor, by leave, offered the following resolution:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant for the sum of two hundred and forty dollars, in favor of H. C. Brown, as Printing Expert to the Senate Committee on Retrenchment, being for twenty-four days service, at the rate of ten dollars per day, payable out of the appropriation for the contingent expenses of the Senate.

Rules suspended, and the resolution adopted.

On motion of Mr. Haymond, the rules were suspended, and Senate Bill No. 170 taken from the general file and made a special order for three o'clock P. M. to-morrow.

#### GENERAL FILE.

Senate Bill No. 8—An Act to amend certain sections of the Political Code and to repeal certain sections of said Code, all relating to insurance; and

Senate Bill No. 12—An Act to amend certain sections of the Civil Code and to add certain new sections to said Code, all relating to insurance.

Mr. Tuttle moved to refer the bills to the Committee on Corporations.

Lost.

On motion of Mr. Tinnin, the bills were referred to the Committee of the Whole Senate.

Senate Bill No. 8 reported to the Senate with certain Assembly amendments adopted in the Committee of the Whole.

The following amendment was reconsidered: In section two,

amend section five hundred and ninety-six, lines ten and eleven, by striking out the words "or as the agent or pretended agent of the insured."

On concurring in the amendment, the ayes and noes were demanded by Messrs. Tuttle, Angney, and Craig, and it was concurred in, by a vote as follows:

AYES—Messrs. Bartlett, Benzell, Craig, Donovan, Evans, Flint, Frazer, Graves, Hendricks, Hopkins, Howe, Lewis, McCarthy, McGarvey, Montgomery, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, and Tinnin—22.

NOES—Messrs. Angney, Bush, Hill, Laine, Lindsey, McCoppin, McCune, O'Connor, and Tuttle—9.

All the other amendments to the bill were concurred in.

Senate Bill No. 12 reported with amendments adopted in Committee of the Whole.

On concurring in the amendments, the ayes and noes were demanded by Messrs. Tuttle, Craig, and Pierson, and they were concurred in, by a vote as follows:

AYES—Messrs. Benzell, Craig, Donovan, Evans, Flint, Fraser, Gibbons, Graves, Hendricks, Hopkins, Howe, Lewis, McCarthy, Montgomery, Pierson, Roach, Rogers, Satterwhite, Shirley, and Tinnin—20.

NOES—Messrs. Angney, Farley, Hill, Laine, Lindsey, Martin, O'Connor, and Tuttle—8.

Assembly Bill No. 374—An Act to reorganize and simplify the school system and public education of the State of California.

Reported from Committee of the Whole with a recommendation that it be indefinitely postponed.

On indefinitely postponing the bill, the ayes and noes were demanded by Messrs. Pierson, Lindsey, and McGarvey, and the motion prevailed, by a vote as follows:

AYES—Messrs. Bartlett, Benzell, Craig, Edgerton, Evans, Farley, Flint, Gibbons, Graves, Hilborn, Lewis, McCarthy, McCoppin, Montgomery, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, and Turner—22.

NOES—Messrs. Angney, Bush, Donovan, Fraser, Hendricks, Hill, Hopkins, Laine, Lindsey, Martin, McCune, McGarvey, and O'Connor—13.

Mr. Tinnin gave notice of a motion to reconsider the vote by which the bill was indefinitely postponed.

Mr. Craig moved to indefinitely postpone the vote by which Senate Bill No. 355 was passed on yesterday.

On motion of Mr. Donovan, the motion to reconsider the vote was indefinitely postponed.

RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

Mr. Tuttle, by leave, offered a resolution as follows:

*Resolved*, That James Saultry be and he is hereby allowed the sum of two dollars per day, from the commencement to the close of the present session, for services as Day Watchman, to be paid out of the appropriation for the contingent expenses of the Senate.

Rules suspended, and the resolution adopted.

Mr. Angney, for the Committee on Public Lands, verbally reported Assembly Bill No. 723—An Act to reserve from sale the north half of section sixteen, in township seven south, and range three east, Mount Diablo meridian—recommending its passage.

Rules suspended, and the bill taken up for consideration.

Read third time and passed.

Mr. Lewis submitted a report as follows:

MR. PRESIDENT: Your Committee of Conference on Assembly Bill No. 45 have duly considered the same, and recommend that the Senate recede from its amendment to section two. And further report, that they have duly considered Assembly Bill No. 44, and recommend that the Senate recede from its substitute and pass the original bill as amended.

LEWIS,  
O'CONNOR.

Report adopted and the amendment indorsed to conform thereto.

#### ASSEMBLY MESSAGES.

On motion of Mr. McCoppin, the following Assembly messages were taken up:

ASSEMBLY CHAMBER,  
SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 671—An Act to appropriate money to pay the present outstanding indebtedness of the State Agricultural Society, contracted in erecting the grand stand and making other improvements to the lands and property of said society.

Also, Assembly Bill No. 333—An Act to amend section four hundred and seventy-one of the Civil Code, relative to railroad corporations.

Also, Assembly Bill No. 334—An Act to amend section four hundred and ninety-eight of the Civil Code, relative to railroad corporations.

Also, on this date, passed Assembly Bill No. 658—An Act to authorize Drury Melone, John Lord Love, and James J. Green to sue the State.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 778—An Act relating to road poll-tax in the County of Sacramento.

Also, Assembly Bill No. 787—An Act to amend an Act entitled an Act changing the terms of the County Court and Probate Court in the County of Marin, approved February ninth, eighteen hundred and sixty-six.

Also, adopted Assembly Concurrent Resolution No. 53—Relative to Mexican land grants and the Acts of Congress granting certain lands to railroad companies.

Also, Assembly Concurrent Resolution No. 41—Relative to preemption laws now in force in this State.

Also, Assembly Concurrent Resolution No. 54—Relative to certain instructions to the Attorney-General of the State of California.

Also, adopted Senate Concurrent Resolution No. 53—Relative to correcting errors in Senate Bills Nos. 290 and 291.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 28th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 774—An Act entitled an Act to empower and give authority to the County of Santa Barbara to aid in the construction of a railroad within its limits.

Also, Assembly Bill No. 777—An Act relating to idiots.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 29th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-third, passed Assembly Bill No. 680—An Act to revise the charter of the City of Sacramento.

Also, on March twenty-fourth, passed Assembly Bill No. 594—An Act to authorize the Brooklyn Land and Building Company to subscribe for stock in other companies.

Also, on March twenty-fifth, passed Assembly Bill No. 683—An Act to transfer money from one fund to another in the County of Monterey.

Also, on March twenty-seventh, passed Assembly Bill No. 679—An Act to provide for the payment of certain claims of Frederick Victor.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 29th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, amended and passed Senate Bill No. 597—An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 29th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-eighth, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 786—An Act conferring certain powers and imposing certain duties upon Constables in the Counties of El Dorado and Sacramento.

Also, passed Senate Bill No. 638—An Act to authorize certain liberties and to maintain certain restrictions within the County of Sacramento.

Also, indefinitely postponed Senate Bill No. 547—An Act relative to the government of Sacramento County.

Also, passed substitute for Senate Bill No. 494—An Act to ratify, confirm, and carry into effect a certain resolution of the Board of Supervisors of the City and County of San Francisco.

Also, adopted Assembly Concurrent Resolution No. 55—Requesting the Governor to return Assembly Bill No. 446, to correct an error.

Also, amended and adopted Senate substitute for Assembly Bill No. 289—An Act to create a Board of Water Trustees for the City of Napa, and to provide means for the construction of water-works for said city, and for the future government of the same.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 29th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 771—An Act relative to the County Treasurer of Sutter County, as to counting the moneys, and examining his books, vouchers, etc.

Also, Assembly Bill No. 789—An Act to provide for the election of the Clerk of the Board of Trustees and the Superintendent of Streets of the Town of Redwood City, in the County of San Mateo.

Also, amended and passed Senate Bill No. 99—An Act granting relief to tax-payers whose lands have been sold to the State.

Also, on March twenty-eighth, passed Senate Bill No. 527—An Act to authorize the payment of B. E. Hunt, or his assigns, for services as teacher in Calistoga School District, in Napa County.

Also, passed Senate Bill No. 546—An Act to confer certain powers upon the Directors of the Deaf, Dumb, and Blind Asylum.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 29th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-seventh, passed Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years.

Also, Assembly Bill No. 763—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof.

Also, Assembly Bill No. 572—An Act to provide for the purchase of a certain toll road in the County of Mendocino.

Also, Assembly Bill No. 598—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.



Also, on this date, passed Assembly Concurrent Resolution No. 17.—Relative to hydraulic mining.

Also, adopted Assembly Joint Resolution No. 56—Relative to correcting an error in Assembly Bill No. 775.

Also, on this date, passed, under a suspension of the rules, Assembly Bill No. 791—An Act to make, open, and establish a public street in the City of Oakland, to be called Fourteenth Avenue, to take private lands therefor, and to construct a main sewer therein.

O'NEIL, Assistant Clerk.

The special order set for two o'clock P. M. was, on motion of Mr. McCoppin, postponed until after the disposition of the Assembly messages.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 334 and 333, above reported, each read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 658, above reported, read first and second times.

On motion of Mr. Haymond, referred to the Committee on Claims, with instructions to report to-morrow morning.

Assembly Bills Nos. 778, 787, 786, 683, and 679, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Concurrent Resolution No. 53, above reported, read first and second times and referred to the Committee on Federal Relations.

Assembly Concurrent Resolution No. 41, above reported, read first and second times and referred to the Committee on Public Lands.

Assembly Concurrent Resolution No. 54, above reported. Mr. Laine moved to refer the resolution to the Committee on Finance.

Mr. Haymond moved to lay the resolution on the table.

On which the ayes and noes were demanded by Messrs. Tinnin, Haymond, and Craig, and the motion prevailed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Evans, Flint, Gibbons, Graves, Haymond, Hilborn, Hill, Howe, Lewis, Martin, McCarthy, McCoppin, McCarvey, Montgomery, Rogers, Satterwhite, and Spencer—19.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Fraser, Hopkins, Laine, Lindsey, McCune, O'Connor, Tinnin, and Tuttle—12.

Senate Bill No. 494, above reported, Assembly amendments concurred in.

Assembly Concurrent Resolution No. 56, above reported, concurred in.

Assembly Bill No. 594, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 771, above reported, read first and second times, rules suspended, and, by general consent, read third time and passed.

Assembly Bill No. 789, above reported, read first and second times, rules suspended, and the bill taken up for consideration.

Amended.

Read third time and passed.

Assembly Bill No. 777, above reported, read first and second times, rules suspended, and, by general consent, read third time and passed.

Assembly Bill No. 671, above reported, read first and second times.

Mr. Haymond moved to suspend the rules, to take the bill up for consideration.

On which the ayes and noes were demanded by Messrs. Laine, Lindsey, and Angney, and the motion prevailed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Edgerton, Evans, Flint, Fraser, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, and Tinnin—27.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Gibbons, Laine, Lindsey, Montgomery, O'Connor, and Tuttle—10.

Mr. Lindsey moved to lay the bill on the table.

On which the ayes and noes were demanded by Messrs. Laine, Lindsey, and Pierson, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Laine, Lindsey, Montgomery, and O'Connor—8.

NOES—Messrs. Beazell, Craig, Edgerton, Evans, Flint, Fraser, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, and Turner—28.

Mr. Tuttle offered an amendment as follows: Amend by adding "and ten thousand dollars of debt, owed by the Sonoma and Marin District Agricultural Society."

Lost.

By Mr. Bush: Amend the amendment by adding "two thousand dollars, for the Southern Agricultural Society, at Los Angeles."

Lost.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, Howe, and Fraser, and it passed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Nunan, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, and Turner—30.

NOES—Messrs. Angney, Bartlett, Bush, Laine, Lindsey, Montgomery, O'Connor, and Tuttle—8.

Rules suspended, and the bill ordered to the Assembly forthwith.

Senate Bill No. 597, above reported, Assembly amendments concurred in.

Senate Bill No. 99, above reported, Assembly amendment concurred in.

Assembly Bill No. 791, above reported, read first and second times, rules suspended, and, by general consent, read third time and passed.

Assembly Bill No. 517, above reported, read first and second times.

On motion of Mr. Angney, referred to the Finance Committee and ordered printed out of its order.

Assembly Bills Nos. 763, 598, 774, and 680, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bill No. 572, above reported, read first and second times.

On motion of Mr. McGarvey, the bill was indefinitely postponed.

Assembly Concurrent Resolution No. 55, above reported, concurred in and ordered to the Assembly forthwith.

Assembly Concurrent Resolution No. 17, above reported, read first and second times, rules suspended, and, by general consent, read third time and passed.

Senate substitute for Assembly Bill No. 289, above reported, amendments concurred in.

Mr. Tinnin moved to reconsider the vote by which Senate Bill No. 52 passed on yesterday.

Mr. Rogers moved to indefinitely postpone the motion.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Craig, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Hendricks, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McCarvey, Numan, Pierson, Roach, Rogers, and Turner—20.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Gibbons, Graves, Haymond, Hill, Laine, Lindsey, McCune, Montgomery, O'Connor, Satterwhite, Shirley, Timin, and Tuttle—17.

Mr. Lewis moved to reconsider the vote by which the Senate, on yesterday, passed Senate Bill No. 534.

On motion of Mr. Hopkins, the motion was indefinitely postponed.

Mr. McCarthy submitted the following reports:

SENATE CHAMBER,

SACRAMENTO, March 29th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 300—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Also, substitute for Senate Bill No. 443—An Act to provide for the government of the County of San Diego.

Also, Senate Bill No. 586—An Act for the establishment and maintenance of a branch county jail in the County of Solano.

Also, Senate Bill No. 575—An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four.

And on this twenty-ninth day of March, eighteen hundred and seventy-six, at one o'clock and thirty minutes P. M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

SENATE CHAMBER,

SACRAMENTO, March 29th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 291—An Act to amend section sixty-four of the Code of Civil Procedure.

Also, Senate Bill No. 290—An Act to amend section one hundred and thirty-two of the Political Code, relating to judicial districts.

Also, Senate Bill No. 289—An Act to create the Twenty-second Judicial District.

Also, Senate Concurrent Resolution No. 33—Relative to correcting errors in Senate Bills Nos. 290 and 291.

And on this twenty-ninth day of March, eighteen hundred and seventy-six, at three o'clock and twenty minutes P. M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

Mr. Hendricks offered the following resolution:

*Resolved*, That the Engrossing Clerk be and he is hereby authorized to number consecutively the sections in the engrossed copy of substitute for Senate Bill No. 399.

Adopted.

Mr. Roach submitted a report as follows:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 371—An Act for the relief of Michael Purcell—have considered the same, and report the same back, without recommendation.

Also, Assembly Bill No. 748—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco—and report same back, without recommendation.

Also, Assembly Bill No. 427—An Act to amend an Act to organize and regulate the Justices' Courts of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six—and report the same back, without recommendation.

ROACH, Chairman.

SPECIAL ORDER.

Assembly Bill No. 605—An Act concerning the removal of the remains of deceased persons from the State of California.

Mr. Laine moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by Messrs. Donovan, Angney, and Fraser, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bush, Edgerton, Evans, Flint, Gibbons, Graves, Hill, Hopkins, Laine, Lewis, Lindsey, McCoppin, McCune, McGarvey, Montgomery, Pierson, Shirley, and Turner—19.  
 NOES—Messrs. Bartlett, Craig, Donovan, Farley, Fraser, Haymond, Hendricks, Martin, McCarthy, Nunnar, O'Connor, Roach, Rogers, Satterwhite, Spencer, Timmin, and Tuttle—17.

[Mr. Rogers in the chair.]

Mr. Roach offered a joint resolution in reference to the improvement of the water-front of San Francisco.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time and passed.

Mr. Craig submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, March 29th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 399—An Act concerning the office of State Geologist.

CRAIG, for Committee.

Mr. McCune, for the delegation, verbally reported Assembly Bill No. 568—An Act to fix the terms of the County and Probate Courts in and for the County of Solano.

Rules suspended, and the bill taken up for consideration.

Read third and passed.

By Mr. Haymond:

MR. PRESIDENT: The Sacramento delegation report Assembly Bill No. 581, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 766, and recommend its passage.

Also, Assembly Bill No. 768, and recommend its passage.

Also, Senate Bill No. 538, and recommend that the Senate concur in the Assembly amendment.

EDGERTON AND HAYMOND, Delegation.

Bills were introduced, by leave, as follows:

By Mr. Haymond—An Act making appropriations for deficiencies in appropriations for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Read first and second times and referred to the Committee on Claims.

Also, an Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charitable and other purposes.

Also, an Act to repeal section one thousand three hundred and thirteen of the Civil Code.

Each of the above bills were read first and second times and ordered on the general file.

#### GENERAL FILE.

Senate Bill No. 634—An Act to add a new section to the Code of Civil Procedure.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Mr. McCune gave notice of a motion to reconsider the vote by which the Senate indefinitely postponed Assembly Bill No. 605.

Mr. Lindsey moved a suspension of the rules, to take up Senate Bill No. 393.



On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Craig, Edgerton, Fraser, Hendricks, Laine, Lindsey, McGarvey, Montgomery, Nunan, O'Connor, Roach, Shirley, Spencer, Tinnin, and Tuttle—18.

NOES—Messrs. Bush, Evans, Farley, Gibbons, Hilborn, Hopkins, Lewis, McCarthy, McCoppin, Pierson, Rogers, Satterwhite, and Turner—13.

Senate Bill No. 368—An Act relating to bank deposits.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Senate Bill No. 553—An Act to add a new section to the Penal Code.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly without engrossment.

Senate Bill No. 366—An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure.

Mr. Laine moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Craig, Flint, Graves, Hill, Laine, Lewis, Lindsey, McCune, McGarvey, Satterwhite, Spencer, Tinnin, Turner, and Tuttle—17.

NOES—Messrs. Edgerton, Evans, Raymond, Hilborn, Hopkins, Howe, Martin, McCarthy, Montgomery, Nunan, O'Connor, Roach, Rogers, and Shirley—14.

#### RECESS.

At five o'clock P. M. the Senate took a recess.

#### RE-ASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

On motion of Mr. Gibbons, the rules were suspended, and Assembly Bill No. 791 and Assembly Concurrent Resolution No. 56 were ordered to the Assembly forthwith.

On motion of Mr. Angney, the rules were suspended, and Assembly Bill No. 446 taken up for consideration.

Assembly Bill No. 486—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four.

Amendment concurred in.

Read third time, passed, and ordered to the Assembly forthwith.

Mr. Satterwhite submitted a report as follows:

SACRAMENTO, March 29th, 1876.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 482—An Act to reincorporate the City of San Diego—report the same back, and recommend the passage of the substitute passed by the Assembly.

SATTERWHITE, on behalf of Committee.

Mr. Gibbons, by leave, verbally reported Assembly Concurrent Resolution No. 53 from the Committee on Federal Relations—Relative to Mexican land grants and the Acts of Congress granting certain lands to railroad companies.

Rules suspended, read third time, and adopted.

## SPECIAL FILE.

Senate Bill No. 507—An Act to establish a Court of Arbitration of the Chamber of Commerce of San Francisco.

Withdrawn by Mr. Bartlett, the author.

Assembly Bill No. 489—An Act to provide for a recount of votes at general elections in the City and County of San Francisco.

Mr. Craig moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by Messrs. McCoppin, Craig, and Howe, and the motion prevailed, by a vote as follows :

AYES—Messrs. Angney, Bartlett, Bush, Craig, Donovan, Evans, Flint, Graves, Haymond, Hendricks, Hilborn, Hopkins, Howe, Laine, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Shirley, Spencer, Timmin, Turner, and Tuttle—29.

NOES—Messrs. Rouch, Rogers, and Satterwhite—3.

Senate Bill No. 642—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly forthwith, without engrossment.

Senate Bill No. 616 passed on file.

Senate Bill No. 221—An Act to revise the road laws of Merced County and to create the office of Road Commissioner.

Substitute concurred in.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly forthwith, without engrossment.

Senate Bill No. 573—An Act to provide additional records in the County Clerk's office in the City and County of San Francisco, and to renew certain records therein.

On motion of Mr. Bartlett, indefinitely postponed.

Assembly Bill No. 502—An Act to authorize the President and Secretary of the Exempt Fire Company of the City and County of San Francisco to administer oaths in certain cases.

Read third time and passed.

Assembly Bill No. 457—An Act to legalize certain notarial acknowledgments in Napa County.

Read third time and passed.

Assembly Bill No. 537—An Act to ratify and confirm a certain conveyance made by the Board of Trustees of the City of San Diego.

On motion of Mr. Satterwhite, referred to the Senators from Mendocino and Tehama, with instructions to report the same to-morrow.

Assembly Bill No. 422 was referred to the Modoc delegation.

Mr. Nunan, by leave, submitted a report as follows :

MR. PRESIDENT: The Committee on State and County Revenue have had under consideration Assembly Bill No. 631—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia, in Tuolumne County, to Modesto or Oakdale, Stanislaus County—and report the same back, and recommend that it do not pass.

NUNAN, Chairman.

Assembly Bill No. 66—An Act to regulate fares and sale of tickets on street railroads in the City and County of San Francisco.

Mr. Craig moved to lay the bill on the table.

On which the ayes and noes were demanded by Messrs. Donovan, Rogers, and Howe, and the motion prevailed, by a vote as follows :

AYES—Messrs. Benzell, Craig, Flint, Fraser, Gibbons, Graves, Haymond, Hill, Hopkins, Lewis, Martin, McCarthy, McGuire, McMurvey, Montgomery, Roach, Satterwhite, Spencer, and Timm—19.

NOES—Messrs. Anney, Bartlett, Bush, Donovan, Hendricks, Hilborn, Howe, Laine, Lindsey, McCoppin, Nunan, O'Connor, Rogers, Turner, and Tuttle—15.

Assembly Bill No. 745—An Act to confer further powers on the Board of Trustees of Sacramento City.

Read third time and passed.

Assembly Bill No. 587—An Act to authorize the Board of Supervisors of Lake County to levy special taxes.

Read third time and passed.

Senate Bill No. 403—An Act authorizing and providing for appropriations and expenditures of money for certain public purposes in the City and County of San Francisco.

Amendment concurred in.

Mr. Bartlett moved to lay the bill on the table.

Lost.

Mr. Howe moved to suspend the rules, to consider the bill engrossed and place it on its third reading and passage.

On which the ayes and noes were demanded by Messrs. McCoppin, Howe, and Craig, and the roll was called, as follows:

AYES—Messrs. Benzell, Craig, Donovan, Evans, Flint, Fraser, Hilborn, Hill, Howe, Lewis, Martin, McCarthy, McMurvey, Montgomery, Nunan, Roach, Sharkey, and Spencer—18.

NOES—Messrs. Bartlett, Bush, Graves, Laine, Lindsey, McCoppin, McGuire, O'Connor, Rogers, Timm, Turner, and Tuttle—12.

The Senate refused to suspend the rules, two-thirds failing to vote in the affirmative.

The bill was ordered engrossed.

Senate Bill No. 616—An Act defining the Third, Twelfth, and Fifteenth Judicial Districts.

Indefinitely postponed.

Senate Bill No. 194—An Act to enable the Board of Trustees of Snelling School District, in the County of Merced, to provide for the payment of the building debt in said school district.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly forthwith, without engrossment.

Senate Bill No. 592—An Act to amend an Act entitled an Act to regulate the fees of office and to fix the compensation of county officers in the County of Sacramento.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Craig submitted a report as follows:

SENATE CHAMBER,

SACRAMENTO, March 29th, 1876.

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 306—An Act for the relief of R. M. Wilson.

CRAIG, for Committee.

Rules suspended, and the bill above reported taken up for consideration.

Read third time, passed, and ordered to the Assembly forthwith.

Assembly Bill No. 732—An Act to make applicable a certain Act to San Luis Obispo County.

Read third time and passed.

Assembly Bill No. 681—An Act concerning the terms of the County Court of the County of Ventura.

Read third time and passed.

Assembly Bill No. 703—An Act confirming to the Santa Barbara Cemetery Association a deed of conveyance made by the Town of Santa Barbara.

Read third time and passed.

Senate Bill No. 438 passed on file.

Senate Bill No. 302—An Act to maintain a House of Correction, and to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

On motion of Mr. Craig, Assembly Bill No. 463 was taken up for consideration in place of the above bill.

Assembly Bill No. 463—An Act to utilize the prison labor and govern the House of Correction of the City and County of San Francisco.

Amendments concurred in, read third time, passed, and ordered to the Assembly forthwith.

Senate Bill No. 302 was indefinitely postponed.

Assembly Bill No. 378—An Act to incorporate the City of Monterey.

Indefinitely postponed.

Assembly Bill No. 657—An Act to incorporate the Town of Colusa.

Amendments concurred in.

Read third time and passed, and ordered to the Assembly forthwith.

Assembly Bill No. 733—An Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain county officers of the County of Sonoma.

Read third time and passed.

Senate Bill No. 581 passed on file, to retain its marginal number.

Senate Bill No. 600—An Act to provide for the improvement of the navigation of Sonoma Creek.

Mr. Tuttle moved to lay the bill on the table.

Lost.

The bill was referred to Senator Tuttle.

Assembly Bill No. 576—An Act to provide for the semi-annual payment of interest and principal of the bonds issued by Modoc to Siskiyou County.

Read third time and passed.

Mr. Tinnin submitted a report as follows:

MR. PRESIDENT: The Modoc delegation, to whom was referred Assembly Bill No. 422—An Act to amend section three thousand eight hundred and sixty-six of the Political Code—herewith report back a substitute, and recommend the adoption and passage of the substitute.

TINNIN, for Delegation.

Rules suspended, and the bill above reported taken up for consideration.

Substitute adopted.

Read third time and passed.

Senate Bill No. 584—An Act to consolidate the City of Oakland with the Town of Alameda.

Indefinitely postponed.

Mr. Shirley, for the delegation, verbally reported Assembly Bill No. 787—An Act to amend an Act entitled an Act changing the terms of the County Court and Probate Court in the County of Marin, approved February first, eighteen hundred and sixty-six—recommending its passage.



Rules suspended, and the bill taken up.

Read third time and passed.

Mr. Hilborn, for the Committee on Fisheries, verbally reported Assembly Bill No. 690—An Act to amend section six hundred and thirty-two of the Penal Code—recommending its passage.

Rules suspended, and the bill taken up.

Read third time and passed.

On motion of Mr. Howe, Senate Bill No. 403 was ordered engrossed out of its order.

Mr. Lindsey offered the following resolution :

*Resolved*, That the Committee on Enrolled Bills be directed to ascertain and report to this Senate whether any additional assistance is required in the office of the Enrolling Clerk, in order to have all bills passed by this Senate enrolled without delay.

Adopted.

Mr. Haymond, for the delegation, verbally reported Assembly Bill No. 78—An Act confirming certain powers and imposing certain duties upon Constables in the Counties of El Dorado and Sacramento—with amendments, recommending the adoption of the amendments, and the passage of the bill.

Amendments concurred in.

Read third time and passed.

Mr. Flint, for the delegation, verbally reported Assembly Bill No. 683—An Act to transfer money from one fund to another in the County of Monterey—recommending its passage.

Rules suspended, and the bill taken up.

Read third time and passed.

Mr. Edgerton, for the Sacramento delegation, verbally reported Assembly Bills Nos. 582, 583, 584, 585, and 586—recommending the indefinite postponement of the bills.

The bills were severally indefinitely postponed.

Mr. McCune submitted a report as follows :

MR. PRESIDENT : The Yolo delegation, to whom was referred Assembly Bill No. 653—An Act to prevent goats and hogs running at large in the Town of Washington, Yolo County—report the same back, with a substitute, and respectfully recommend the passage of the substitute.

McCUNE, for Delegation.

Rules suspended, and the bill above reported taken up.

Substitute adopted.

Read third time, passed, and ordered to the Assembly forthwith.

Senate Bill No. 528 passed on file.

Assembly Bill No. 635—An Act to provide for the furnishing of all books and stationery, of whatever description, free of charge, to the public school children of the City and County of San Francisco.

Mr. McCoppin moved to lay the bill on the table.

On which the ayes and noes were demanded, by Messrs. O'Connor, Howe, and McCoppin, and the motion prevailed, by a vote as follows :

AYES—Messrs. Angney, Bartlett, Bush, Edgerton, Farley, Flint, Fraser, Graves, Hilborn, Hill, Laine, Lindsey, Martin, McCoppin, McCune, Montgomery, O'Connor, Pierson, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—24.

NOES—Messrs. Beazell, Craig, Donovan, Haymond, Hendricks, Howe, Lewis, McCarthy, Nunan, Roach, and Rogers—11.

Senate Bill No. 626—An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams.

Amendments concurred in.

Mr. Bartlett moved to lay the bill on the table.

On which the ayes and noes were demanded by Messrs. Bartlett, O'Connor, and McCune, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Farley, Flint, Hendricks, Hilborn, Lindsey, McCune, O'Connor, Roach, Satterwhite, Spencer, Tinnin, and Tuttle—15.

NOES—Messrs. Beazell, Craig, Donovan, Fraser, Gibbons, Graves, Haymond, Hill, Howe, Laine, Lewis, McCarthy, McOppin, McGarvey, Montgomery, Numan, Pierson, and Turner—18.

Mr. Howe moved to suspend the rules, to consider the bill engrossed and place it on its third reading and passage.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, two-thirds failing to vote in the affirmative:

AYES—Messrs. Beazell, Craig, Donovan, Fraser, Gibbons, Graves, Haymond, Hill, Hopkins, Howe, Lewis, McCarthy, McOppin, McGarvey, Montgomery, Numan, Pierson, and Tuttle—18.

NOES—Messrs. Angney, Bartlett, Bush, Farley, Flint, Hendricks, Hilborn, Laine, Lindsey, McCune, O'Connor, Roach, Satterwhite, Spencer, Tinnin, and Tuttle—16.

The bill was ordered engrossed.

Assembly Bill No. 710 passed on file.

Mr. Tuttle verbally reported Senate Bill No. 600, without recommendation.

Mr. McGarvey moved that the Enrolling Clerk be authorized to employ additional force in his department.

Mr. Haymond offered a resolution upon the subject, which was amended to read as follows:

*Resolved*, That the Enrolling Clerk be authorized to appoint, under the direction and with the consent of the Enrolling Committee, sufficient force to enroll all bills within twelve hours after the bills come to him, and the Enrolling Committee are hereby directed to discharge incompetent clerks in the office of Enrolling Clerk.

Adopted.

#### ADJOURNMENT.

At ten o'clock and twenty-five minutes p. m., on motion of Mr. Edgerton, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER, }  
Thursday, March 30th, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

By general consent, the reading of the journal of yesterday was dispensed with and the same approved.

#### REPORTS.

Reports were submitted as follows:

By Mr. Angney:

MR. PRESIDENT: The Finance Committee have had under consideration substitute for Assembly Bill No. 390—An Act to amend the Political Code, and to reduce the expenses of the National Guard—and report the same back, recommending its passage.

Also, Assembly Bill No. 549—An Act making appropriations for deficiencies in the payment of armory rent and other expenses of the National Guard of California, as provided by law, for the twenty-fifth, twenty-sixth, and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six—and return the same amended, and recommend its passage as amended.

Also, Assembly Bill No. 726—An Act to appropriate one hundred and ten thousand dollars for the construction of a building for the California Institution for the Education of the Deaf and Dumb, and the Blind—and recommend its passage.

J. ANGNEY, Chairman.

Rules suspended, and the bills above reported taken up and considered as in the Committee of the Whole.

#### IN SENATE.

Substitute for Assembly Bill No. 390.

Read third time and passed.

Assembly Bill No. 549.

Amendments concurred in.

Read third time and passed.

Assembly Bill No. 726.

Read third time and passed.

The bills were ordered to the Assembly forthwith.

Mr. Turner, for the delegation, verbally reported Assembly Bill No. 778—An Act relating to road poll-tax in the County of Sierra—recommending the passage of the bill.

Rules suspended, and the bill taken up.

Read third time, passed, and ordered to the Assembly immediately.

On motion of Mr. O'Conner, the rules were suspended, and Senate Bill No. 611—An Act to pay the claim of George W. Whitlock, was taken up for consideration.

Amendment concurred in.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly forthwith.

#### GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, March 29th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved substitute for Senate Bill No. 103—An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose.

Also, Senate Bill No. 388—An Act to provide for the redemption of the outstanding railroad bonds of Butte County.

Also, Senate Bill No. 64—An Act to authorize the Board of Trustees of Mission School District, of the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same.

Also, Senate Bill No. 186—An Act in relation to sales and conveyances of the Mutual Real Estate Company.

Also, Senate Bill No. 286—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Also, substitute for Senate Bill No. 435—An Act to amend an Act entitled an Act to reincorporate the City of Sonoma, approved April tenth, eighteen hundred and sixty-two, and amended March twenty-sixth, eighteen hundred and seventy.

Also, Senate Bill No. 466—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, Senate Bill No. 491—An Act relating to fees and salaries of certain officers in Yuba County.

Also, Senate Bill No. 632—An Act to fix the terms of the County Court in the County of El Dorado.

WILLIAM IRWIN, Governor

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, March 29th, 1876.

*To the Senate of the State of California:*

I herewith return to your honorable body Senate Bill No. 325—Entitled an Act to enable the Board of Supervisors of Sacramento County to refund certain moneys—without approval.

This bill, if it shall become a law, will authorize and direct the Board of Supervisors of Sacramento County to audit, allow, and refund to James McClatchy, an ex-Sheriff and ex-Tax Collector of the same county, a certain claim which he prefers against the county for moneys paid into the county treasury in excess, as he alleges, of what he was required by law to pay. If it be a fact that McClatchy paid into the county treasury moneys which were not by law due the county, he ought, in justice and equity, to be permitted to recover the same back. If, however, he paid into the treasury of the county only such portion of his fees and percentages, as a public officer, as the law required him to pay, it would manifestly be both a great usurpation of power on the part of the Legislature and a gross outrage on the tax-payers of Sacramento County, if a law should now be passed requiring the Board of Supervisors to pay to him, out of the funds of the county, the sum asked for.

What are the facts of the case? McClatchy assumed the office of Sheriff and ex officio Tax Collector of Sacramento County in March, eighteen hundred and sixty-four, and held it till March, eighteen hundred and sixty-six. The law then in force, providing for the government of Sacramento County, required that several of the county officers, including the Sheriff, County Clerk, Recorder, and District Attorney, should pay over ten per cent. of the fees allowed them for services into the county treasury, for the benefit of the School Fund. The Collector was not designated in the statute as one of those required to pay ten per cent. of his fees or percentages into the county treasury. The Board of Supervisors, however, held that as the law required the Sheriff to pay over into the county treasury ten per cent. of his fees, and the Sheriff was ex officio Tax Collector, he must pay over ten per cent. of his percentages as Tax Collector also. I shall not undertake to determine whether this was a proper construction of the law or not. It is sufficient for my present purpose that it is the construction which the Board of Supervisors then in authority placed upon it, and that McClatchy acquiesced in the construction so far as to pay into the treasury ten per cent. of his percentages as Tax Collector, though I believe he did so under protest.

It may be admitted that subsequent Boards of Supervisors have placed a different construction on the Act, and that subsequent Sheriffs have not been required to pay into the county treasury ten per cent. of their percentages as ex officio Tax Collectors. But the inference that is attempted to be drawn from these facts, to wit: that the Legislature should authorize and direct the Board of Supervisors to refund to McClatchy the amount he paid into the treasury from this source, does not logically follow. The facts above cited only show that the law governing the obligations of the Sheriff of Sacramento County, as ex officio Tax Collector, as respects the payment into the county treasury of a portion of the percentage allowed for his services, has been differently construed by different Boards of Supervisors. It is only fair to assume that these several Boards acted honestly, with such lights as they possessed, in reaching their respective conclusions touching the duty of the Sheriff as ex officio Tax Collector, in this respect.

Now, I respectfully submit that it is not the function of the legislative department of the government to adjudicate questions nor to determine what the construction of statutes should be. And I may remark in passing, that the statute in question has never received a judicial construction: and that, therefore, the Legislature, in passing the bill now returned, has, in substance, exercised the functions of the judicial branch of the government.

Now, I venture to suggest, that while it may be true that McClatchy is a victim of an erroneous, or even an absurd, construction of a statute, the remedy proposed in this bill is not one which the Legislature ought to undertake to give. It is the function of the judicial department of the government to construe and declare the meaning of statutes when the rights of individuals under them are in controversy.

It occurs to me that the most which the party who seeks to recover back by this bill a sum alleged to have been paid into the county treasury without the requirement of law can reasonably ask, is to be permitted to go into the Courts and have his rights in the premises judicially determined: and that if he be found by the judgment of such tribunal to have paid money into the county treasury in excess of what he was required by law to do, the Board of Supervisors be required to refund to him such excess.

For the above reasons, I am constrained to withhold my approval from the bill now returned.

WILLIAM IRWIN, Governor.

Upon the question, "Shall the bill pass, notwithstanding the objec-



tions of the Governor?" the roll was called, and the Senate refused to pass the bill over the veto of the Governor, by a vote as follows:

AYES—None.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Donovan, Evans, Flint, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hill, Hopkins, Howe, Lane, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McJarvey, Montgomery, Numan, O'Connor, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—35.

Mr. Rogers, for the Committee on Contingent Expenses, submitted a report and sundry accounts heretofore referred to that committee, with the following report and resolution:

MR. PRESIDENT: Your Committee on Contingent Expenses have had under consideration sundry bills created by the special committee to investigate the sale of tide and marsh lands on Mission Creek, in San Francisco, and beg leave to recommend the passage of the following resolution.

ROGERS, Chairman.

*Resolved*, That the following persons be allowed the sums set opposite their names: Frank Shay, two hundred and eighty-four dollars and eighty cents; Andrew J. Marsh, one hundred and ninety-five dollars and ten cents; John M. Currier, forty-one dollars and ten cents; H. H. Russell, forty-one dollars and ten cents; George W. Green, ten dollars; T. M. Cook, fifty-one dollars and ten cents; C. M. Tucker, five dollars; Charles E. Travers, forty-one dollars and ten cents; to be paid out of the appropriation for the contingent expenses of the Senate.

Rules suspended, and the resolution adopted.

Mr. Haymond, by leave, introduced a bill as follows: An Act to authorize James McClatchy to sue the County of Sacramento.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time, passed, and ordered to the Assembly without engrossment.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,

SACRAMENTO, March 29th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 648—An Act relative to assessments in Reclamation District Number One Hundred and Twenty-four, in Colusa County.

Also, on this date, passed Senate Bill No. 642—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,

SACRAMENTO, March 29th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 401—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across Los Angeles River, in the County of Los Angeles, and to levy a tax to pay for the cost of same.

Also, Assembly Bill No. 785—An Act to prescribe the fees of the District Attorney of Los Angeles County in certain cases.

Also, Assembly Bill No. 792—An Act concerning public roads in the County of Sacramento.

Also, on this day, passed Senate Bill No. 402—An Act providing for the opening, filling, grading, and macadamizing of Fifteenth Avenue extension, in the City and County of San Francisco.

Also, Senate Bill No. 618—An Act amendatory of and supplementary to an Act to establish water rates in the City and County of San Francisco, approved March first, eighteen hundred and seventy-six.

Also, Senate Bill No. 492—An Act supplementary to an Act, approved March thirtieth, eighteen hundred and seventy-four, and entitled an Act to abolish the Board of City Hall Commissioners, and to provide for the continuance of the construction of the City Hall in the City and County of San Francisco.

Also, on same date, passed Assembly Bill No. 479—An Act prohibiting the sale of intoxicating liquors within one mile of College City, Colusa County, California.

Also, Senate Bill No. 530—An Act to incorporate the Town of Martinez and to provide for the government thereof.

Also, Senate Bill No. 615—An Act concerning public records in the office of the County Recorder of San Bernardino County.

Also, Senate Bill No. 637—An Act to provide for the drainage of the City of Sacramento.

Also, Senate Bill No. 639—An Act to provide for the payment of the funded indebtedness of Mendocino County.

Also, amended and passed Senate Bill No. 523—An Act to authorize the Board of Supervisors of Santa Cruz County to arrange with the Santa Cruz Railroad Company to change its railroad so as to pass through the Town of Watsonville.

Also, adopted and passed substitute for Senate Bill No. 628—An Act amendatory of an Act entitled an Act authorizing the appointment of certain employes of the State Capitol and fixing their compensation, approved March thirtieth, eighteen hundred and seventy-four.

Also, on March twenty-eighth, passed, and on this date ordered transmitted to the Senate without engrossment, Assembly Bill No. 785—An Act to add certain new sections to the Political Code and to amend certain other sections.

Also, on this date, amended and passed Senate Bill No. 630—An Act to provide for the management and sale of the sixteenth and thirty-sixth sections and lands in lieu thereof.

Also, indefinitely postponed Senate Bill No. 305—An Act to authorize the Board of Supervisors of the City and County of San Francisco to fix and establish water rates.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 29th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, refused to concur in Senate amendment to Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco—and the Senate is respectfully requested to recede from the same.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 29th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 610—An Act to amend sections five hundred and sixty-six and five hundred and sixty-seven of the Political Code.

Also, Assembly Bill No. 675—An Act to amend sections five hundred and seventy-eight, five hundred and eighty, and five hundred and eighty-one of the Political Code.

Also, on this date, passed Senate Bill No. 301—An Act to provide for the redemption of the unused and uncanceled stamps of the State of California heretofore sold.

Also, Senate Bill No. 504—An Act to authorize corporations to own and improve the lots and houses in which their business is carried on.

Also, Senate Bill No. 622—An Act supplemental to an Act entitled an Act to protect agriculture in the County of Calaveras, approved March, twenty-fourth, eighteen hundred and seventy-four.

Also, Senate Bill No. 312—An Act concerning corporations and persons engaged in banking business.

Also, on same date, amended and passed Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to the revenue.

Also, passed Assembly Concurrent Resolution No. 50—Relative to the protection of fish in Silver Lake, Amador County.

Also, Senate Concurrent Resolution No. 42—Relative to expenses of the funeral of J. W. Mandeville.

Also, that the Assembly receded from the amendments marked nine and ten, to Senate Bill No. 344—An Act to authorize the City of Oakland to construct a main sewer.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 30th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-ninth, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 590—An Act to amend an Act entitled an Act to extend the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and sixty-four.

Also, Assembly Bill No. 618—An Act concerning Justices' Courts of the City and County of San Francisco.

Also, Assembly Bill No. 686—An Act to authorize Quincy School District to issue bonds for building purposes.

Also, Assembly Bill No. 694—An Act to amend section one thousand six hundred and sixty-five of the Code of Civil Procedure.

Also, Assembly Bill No. 728—An Act to amend sections one thousand two hundred and twenty-five and one thousand two hundred and twenty-six of the Political Code.

Also, Assembly Bill No. 672—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

Also, Assembly Bill No. 773—An Act to provide for paying school funds into the treasury of Sacramento City.

Also, Assembly Bill No. 484—An Act for the relief of William Saunders.

Also, on same date, passed substitute for Senate Bill No. 432—An Act to amend the Civil Code by adding a new section thereto, to be numbered section three hundred and twenty-one, and to repeal section five hundred and eighty-four of the same Code, concerning corporations.

Also, Senate Bill No. 476—An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three.

Also, Senate Bill No. 385—An Act to provide for the collection of delinquent taxes in the City and County of San Francisco.

Also, Senate Bill No. 384—An Act to provide for the collection of delinquent taxes for the twenty-fourth, twenty-fifth, and twenty-sixth fiscal years, in the City and County of San Francisco.

Also, amended and passed Senate Bill No. 244—An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, additional powers.

Also, Senate Bill No. 445—An Act to confer additional powers on the Treasurer of the City and County of San Francisco.

Also, on same date, passed Senate Bill No. 221—An Act to revise the road laws of Merced County and to create the office of Road Commissioner.

Also, Senate Bill No. 194—An Act to enable the Board of Trustees of Snelling School District, in the County of Merced, to provide for the payment of the building debt of the said school district.

Also, Senate Bill No. 590—An Act to facilitate the construction of a canal for the improvement of Oakland Harbor.

Also, adopted amended Senate substitute for Assembly Bill No. 444—An Act to legalize the assessment on lands in District Number Five, in Sutter County, for the year eighteen hundred and seventy-five.

Also, that the Assembly concurred in Senate amendments to Assembly Bills Nos. 45, 44, 263, 671, 463, 144, and 466.

O'NEIL, Assistant Clerk.

#### ASSEMBLY CHAMBER.

SACRAMENTO, March 30th, 1876. )

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-ninth, amended and passed Senate Bill No. 549—An Act to regulate the practice of medicine in the State of California.

O'NEIL, Assistant Clerk.

#### ASSEMBLY CHAMBER.

SACRAMENTO, March 30th, 1876. )

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 782—An Act to change the San José Library Association of the City of San José into a public library, and to provide funds for the maintenance of the same.

Also, Assembly Bill No. 769—An Act imposing certain duties upon the Governor of this State.

Also, amended and passed Senate Bill No. 585—An Act to amend an Act entitled an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 590, 694, 783, and 773, above reported, each read first and second times and ordered on the special file.

Assembly Bills Nos. 982, 618, 686, and Assembly Concurrent Resolution No. 50, above reported, each read first and second times and referred to the delegations named in the bills.

Assembly Bills Nos. 769, 675, 728, and 672, above reported, each read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 484, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 792, above reported, read first and second times, rules suspended, and, by general consent, read third time, passed, and ordered to the Assembly forthwith.

Assembly Bill No. 785, above reported, read first and second times and referred to the Committee on Public Lands.

Assembly Bill No. 401, above reported, read first and second times and ordered on the general file.

Assembly Bill No. 610, above reported, read first and second times and ordered on the general file.

Assembly Bill No. 648, above reported, read first and second times and referred to the delegation from Colusa and Tehama.

Assembly Bill No. 292, above reported, returned with Senate amendments non-concurred in.

Mr. Bartlett called for immediate action on the bill.

Mr. Evans moved that the bill be ordered to the head of the special file, to be considered at seven o'clock and thirty minutes P. M. this evening.

On which the ayes and noes were demand by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Aughey, Beazell, Bush, Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hilborn, Hill, Hopkins, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Pierson, Rogers, Satterwhite, Shirley, and Spencer—25.

NOES—Messrs. Bartlett, Donovan, Hendricks, Howe, Lamo, Lindsey, Martin, McCune, Numan, O'Connor, Roach, Tinnin, and Turner—13.

Senate Bills Nos. 549, 585, 244, 523, 445, and Senate substitute for Assembly Bill No. 441, above reported, each severally considered and Assembly amendments to the bills concurred in.

Senate Bill No. 391, above reported, referred to the San Francisco delegation.

Senate Bill No. 628, above reported, referred to the Committee on Retrenchment.

Senate Bill No. 630, above reported, was, on motion of Mr. Evans, made a special order for to-morrow, at ten o'clock A. M.

Mr. Craig submitted the following reports:

SENATE CHAMBER, }  
SACRAMENTO, March 30th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 534—An Act to confer additional powers upon County Boards of Examination and City Boards of Education.

Also, Senate Concurrent Resolution No. 55—Relating to the water-front of San Francisco.

CRAIG, for Committee.

SENATE CHAMBER, }  
SACRAMENTO, March 30th, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 592—An Act to amend an Act entitled an Act to regulate the fees of office and to fix the compensation of county officers in the County of Sacramento.

Also, Senate Bill No. 403—An Act authorizing and providing for appropriations and expenditures of money for certain public purposes in the City and County of San Francisco, by the Board of Supervisors thereof.

Also, Senate Bill No. 626—An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams.

CRAIG, for Committee.

Mr. McCoppin offered a resolution as follows:

*Resolved*, That the Engrossing Clerk be and he is hereby authorized to insert the word "may," in line two, after the word "San Francisco;" also, insert the word "may," in line fourteen, after the word "San Francisco," in section three of Senate Bill No. 626, engrossed copy.



Adopted.

Mr. Farley submitted the following report:

MR. PRESIDENT: Your Committee of Conference on the non-concurrence of the Senate in Assembly amendment to section six of Senate Bill No. 134—An Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State—beg leave to report and make the following recommendation: That the Senate refuse to concur in the Assembly amendment, and that the Assembly be respectfully requested to recede from said amendment.

J. T. FARLEY,  
HENRY EDGERTON,  
WM. M. PIERSON.

Mr. Farley moved the adoption of the report.

On which the ayes and noes were demanded by Messrs. Lindsey, Bush, and Evans, and it was adopted, by a vote as follows:

AYES—Messrs. Beazell, Craig, Donovan, Edgerton, Evans, Farley, Fraser, Gibbons, Graves, Haymond, Hendricks, Hill, Hopkins, Howe, Lewis, McCarthy, McCoppin, McGarvey, Pierson, Rogers, Satterwhite, Shirley, Spencer, and Turner—24.

NOES—Messrs. Augney, Bartlett, Bush, Flint, Hilborn, Laine, Lindsey, Martin, McCune, Montgomery, Nunan, O'Connor, Roach, Tinnin, and Tuttle—15.

Mr. Tinnin offered a resolution as follows:

*Resolved by the Senate, the Assembly concurring.* That Joint Rule Number Fifteen be suspended.

Rules suspended, and the resolution adopted.

On motion of Mr. Shirley, the rules were suspended, and Assembly Bills Nos. 358 and 611 were taken from the general file and made a special order for Saturday next, at eleven o'clock A. M.

[Mr. Rogers in the chair.]

#### GENERAL FILE.

Assembly Bill No. 131—An Act to amend sections three thousand four hundred and forty-one, three thousand four hundred and forty-two, and three thousand four hundred and forty-three of the Political Code.

On concurring in the amendments to the bill, the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Edgerton, Evans, Fraser, Haymond, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Pierson, Rogers, Satterwhite, Spencer, and Turner—15.

NOES—Messrs. Augney, Bartlett, Bush, Donovan, Flint, Gibbons, Hendricks, Hilborn, Hill, Howe, Laine, Lindsey, McCune, O'Connor, Roach, Tinnin, and Tuttle—17.

Read third time and passed.

Mr. Turner gave notice of a motion to reconsider the vote by which the bill passed.

Senate Bill No. 399—An Act concerning the office of State Geologist and to repeal certain sections of the Political Code relating thereto.

Mr. Tinnin moved to indefinitely postpone the bill.

Lost.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Laine, Turner and Fraser, and the Senate refused to pass the bill, by a vote as follows:

AYES—Messrs. Beazell, Edgerton, Evans, Haymond, Hendricks, Hilborn, Martin, McCarthy, McCoppin, Pierson, Roach, Rogers, Shirley, Spencer, Turner, and Tuttle—16.

NOES—Messrs. Anguey, Bartlett, Bush, Donovan, Farley, Flint, Fraser, Hill, Hopkins, Howe, Laine, Lindsey, McCune, Montgomery, Numan, O'Connor, Satterwhite, and Timmin—18.

Senate Bill No. 342—An Act to amend sections two thousand two hundred and thirty-eight and two thousand two hundred and fifty-six, and to repeal section two thousand two hundred and forty of the Political Code, relating to the Deaf, Dumb, and Blind Asylum.

#### RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took a recess.

#### RE-ASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate re-assembled.  
President in the chair.

Roll called, and a quorum present.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Anguey—An Act to amend an Act entitled an Act to incorporate the City of Gilroy.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time, passed, and ordered to the Assembly forthwith.

By Mr. Haymond—An Act to amend and also to repeal certain sections of the Political Code, relating to the State Board of Equalization.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time, passed, and ordered to the Assembly forthwith, without engrossment.

By Mr. Donovan—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof.

Read first and second times and referred to the San Francisco delegation.

Mr. O'Connor submitted a report as follows:

MR. PRESIDENT: The Committee on Claims, to whom was referred Assembly Bill No. 191—An Act for the relief of William Ford, of Mendocino County—would respectfully report the bill back, and recommend that it do not pass.

Also, Assembly Bill No. 658—An Act to authorize Drury Melone, John Lord Love, and James J. Green to sue the State—and would report the same back, with amendments, and recommend the passage of the bill as amended.

Also, Senate Bill No. 643—An Act making appropriations for deficiencies in appropriations for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six—and would recommend that the bill be referred to the Committee on Finance.

O'CONNOR, Chairman.

Senate Bill No. 643, above reported, was referred to the Committee on Finance.

By Mr. Spencer:

MR. PRESIDENT: The Sutter delegation, to whom was referred Assembly Bill No. 695—An Act to authorize the Board of Supervisors of Sutter County to redistrict North Butte, Buttesylvania, and Columbia School Districts—have had it under consideration, and beg to report the same back, and recommend its passage.

SPENCER, for Delegation.

Rules suspended, and the bill above reported taken up.  
Read third time and passed.

Mr. Pierson offered a resolution as follows:

*Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized to insert the words "or ex-commissioned," after the word "commissioned," in section eleven of Senate Bill No. 549.*

Adopted.

Mr. Farley submitted the following report:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 700—An Act amendatory of and supplemental to an Act entitled an Act to reincorporate the Town of Woodland, approved March twenty-fourth, eighteen hundred and seventy-four—together with a substitute adopted by the Assembly, report the same back, and recommend the adoption and passage of the substitute.

Also, Assembly Bill No. 533—An Act to amend section four hundred and seventy-one of the Civil Code, relative to railroad corporations—report the same back, and a majority recommend its passage.

Also, Assembly Bill No. 534—An Act to amend section four hundred and ninety-eight of the Civil Code, relative to railroad corporations—report the same back, and a majority recommend its passage.

Also, Assembly Bill No. 594—An Act to authorize the Brooklyn Land and Building Company to subscribe for stock in other corporations—report the same back, with a recommendation that it do not pass.

FARLEY, Chairman.

Assembly Bill No. 700, above reported, was taken up under a suspension of the rules.

Read third time and passed.

The other bills were ordered on the special file.

By Mr. Roach:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to the revenue—have considered the same, and recommend concurrence in the amendments as adopted by the Assembly.

Also, have considered Assembly Bill No. 646—An Act to further define the duties of the several elective officers of the City and County of San Francisco—and recommend that it do not pass.

Also, have considered Assembly Bill No. 679—An Act to provide for the payment of certain claims of Frederick Victor—and recommend the passage of the same.

Also, have considered Assembly Bill No. 598—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco—and recommend the passage of the same.

Also, have considered Assembly Bill No. 763—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof—and recommend the passage of the same.

ROACH, Chairman.

Senate Bill No. 391, above reported, was taken up.

Assembly amendments concurred in.

Mr. Donovan, for the Committee on Public Buildings, verbally reported Assembly Bill No. 711—An Act to provide a supply of water for the University and for the Deaf and Dumb, and Blind Asylum:

Also, Assembly Bill No. 712—An Act to provide a supply of water for the Napa State Asylum for the Insane—recommending the passage of the bills.

Rules suspended, and the bill above reported taken up.

Assembly Bill No. 711 was read third time and passed.

Assembly Bill No. 712 was read third time and passed.

#### SPECIAL ORDER.

Senate Bill No. 170—An Act to appropriate the twenty per cent. held back by the State from the contractor of the Folsom Prison, to

the payment of equitable claims for moneys and supplies furnished and for work and labor done at said prison.

Mr. O'Connor moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by Messrs. O'Connor, Tinmin, and Nunan, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Edgerton, Flint, Gibbons, Hendricks, Hilborn, Hill, Howe, Lewis, Lindsey, McCune, Montgomery, O'Connor, Satterwhite, Shirley, Tinmin, Turner, and Tuttle—24.

NOES—Messrs. Craig, Donovan, Fraser, Haymond, Martin, McCoppin, Nunan, Pierson, Roach, and Rogers—10.

Mr. Lewis, for the Judiciary Committee, verbally reported Assembly Bill No. 567—An Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction.

Ordered on the special file for this evening.

Mr. Craig, by leave, introduced a bill as follows: An Act to amend section three hundred and ten of the Civil Code, in relation to the removal of directors.

Read first and second times and referred to the Judiciary Committee.

#### GENERAL FILE.

Senate Bill No. 342 resumed.

Mr. Pierson moved to lay the bill on the table.

On which the ayes and noes were demanded by Messrs. Bartlett, McCune, and Nunan, and the roll was called, with the following result:

AYES—Messrs. Beazell, Flint, Haymond, Hopkins, Howe, Lewis, Martin, McCarthy, Nunan, Pierson, Roach, Shirley, Turner, and Tuttle—15.

NOES—Messrs. Angney, Bartlett, Bush, Edgerton, Gibbons, Hilborn, Hill, Lindsey, McCune, McGarvey, Montgomery, O'Connor, Satterwhite, Spencer, and Tinmin—15.

The President voted in the affirmative, and the bill was laid on the table.

Assembly Bill No. 546—An Act to appropriate funds for the relief of the several orphan asylums of this State.

Amendment concurred in.

Read third time, passed, and ordered to the Assembly.

Mr. Turner, by leave, introduced a bill as follows: An Act to repeal an Act to protect fish in the Counties of Plumas and Sierra.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

SACRAMENTO, March 30th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, adopted the accompanying resolution:

*Resolved*, That the Senate be respectfully requested to return to this House the substitute for Senate Bill No. 599, in order to correct an error in the amendment made to said bill in this House.

O'NEIL, Assistant Clerk.

The bill was returned, in compliance with the request of the Assembly.



Senate Bill No. 514—An Act in relation to irrigation.

On motion of Mr. O'Connor, laid on the table.

Assembly Bill No. 407—An Act to pay the claim of E. O. F. Hastings.

Read third time and passed.

Senate Bill No. 58—Proposed amendments to the Constitution.

Mr. Craig moved to lay the bill on the table.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Beazell, Bush, Craig, Hopkins, Lewis, Martin, McCarthy, McGarvey, and Tinnin—10.

NOES—Messrs. Angney, Donovan, Edgerton, Evans, Flint, Fraser, Hammond, Holborn, Hill, Howe, Lindsey, McCoppin, McCune, Numan, O'Connor, Pierson, Reach, Rogers, Satterwhite, Spencer, Turner, and Tuttle—22.

Reported from the Committee of the Whole with amendments pending.

Mr. McCoppin moved to lay the bill on the table.

The motion prevailed.

On motion of Mr. Hendricks, the rules were suspended, and Senate Bill No. 41 was taken up for consideration.

Senate Bill No. 41—An Act authorizing the adjudication of certain claims against the State.

Mr. Tinnin moved to lay the bill on the table.

On motion of Mr. Martin, the notice of a motion to reconsider the vote on Assembly Bill No. 605 was postponed and made a special order for to-morrow, at ten o'clock and thirty minutes A. M.

Mr. Rogers for the Committee on Contingent Expenses, presented a bill of Post-office charge for box rent.

Referred to the Committee on Contingent Expenses.

#### RECESS.

At five o'clock and five minutes P. M. the Senate took a recess.

#### RE-ASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

On motion of Mr. Eakin, the rules were suspended, and Assembly Bill No. 631 ordered at the head of the special file for to-morrow.

Mr. Laine, for the delegation, verbally reported Assembly Bill No. 782—An Act to change the San José Library Association, of the City of San José, into a public library, to alter the name thereof to the name of San José Public Library, and to provide for the maintenance of the same—recommending its passage.

Rules suspended, and the bill taken up.

Read third time and passed.

Mr. Edgerton, for the delegation, verbally reported Assembly Bill No. 579—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Also, Assembly Bill No. 680—An Act to revise the charter of the City of Sacramento—recommending the indefinite postponement of the bill.

Rules suspended, and the above bills taken up and severally postponed.

On motion of Mr. Satterwhite, the rules were suspended, and Assembly Bill No. 482—An Act to reincorporate the City of San Diego—taken up.

Read third time and passed.

Mr. Edgerton offered the following resolution :

*Resolved by the Senate, the Assembly concurring.* That the Secretary of State be and he is hereby instructed to place at the disposal of Sir Redmond Barry, Chief Justice of Victoria, and the Hon. Augustus Morris, of New South Wales, for the use of their Colonial Governments, two full sets of the Codes and Statutes Continued in Force, and that the Governor be requested to present to each of said gentlemen a set of the published reports of the Geological Survey of California.

Adopted.

#### SPECIAL FILE.

Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco.

The question being, "Will the Senate recede from its amendments to the bill?" the amendment to section one, as follows, was taken up:

Amend section one, line six, by striking out all after the word "furnished," down to and including the word "therefore," in line nine.

On receding, the ayes and noes were demanded by Messrs. Donovan, Bartlett, and Tuttle, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Howe, Laine, Lewis, Lindsey, Martin, McCune, Nunan, Roach, Tinnin, and Tuttle—14.

NOES—Messrs. Beazell, Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, McCarthy, McCoppin, McGarvey, Montgomery, Pierson, Rogers, Satterwhite, Shirley, Spencer, and Turner—24.

Upon receding from the following: Amend section one, line twenty, by striking out "sixteen," and inserting in lieu thereof "fifteen ;"

Amendment to the amendment: Amend section one, line twenty, by striking out the words "less than sixteen," and inserting in lieu thereof the words "more than fifteen ;"

The ayes and noes were demanded by Messrs. Donovan, Howe, and Craig, and the Senate refused to recede, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Hendricks, Howe, Laine, Lindsey, Martin, McCune, Nunan, Roach, Tinnin, Turner, and Tuttle—15.

NOES—Messrs. Beazell, Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hilborn, Hill, Hopkins, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, O'Connor, Pierson, Rogers, Satterwhite, Shirley, and Spencer—24.

Upon receding from the following amendment: Amend amendment to section one, line thirty-one, by striking out the words "twenty-five cents," and inserting in lieu thereof the words "fifty cents"—this being an amendment or substitute for the original amendment to the bill—the ayes and noes were demanded by Messrs. Howe, Donovan, and McCoppin, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Donovan, Howe, Laine, Lindsey, Martin, Nunan, Roach, Tinnin, and Turner—12.

NOES—Messrs. Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Lewis, McCarthy, McCoppin, McCune, McGarvey, Montgomery, O'Connor, Pierson, Rogers, Satterwhite, Shirley, Spencer, and Tuttle—26.

The Senate refused to recede from the other amendments to the bill.

Mr. Pierson moved that a Committee of Conference, to consist of three on the part of the Senate, be appointed, and that the Assembly be requested to appoint a like committee, to consider the disagreeing vote between the two Houses.

So ordered.

The Chair subsequently appointed Messrs. Pierson, Lewis, and McCarthy as the Senate Committee.

Mr. Lewis, for a special committee, verbally reported Assembly Bill No. 537—An Act to ratify and confirm certain conveyances made by the Board of Trustees of the City of San Diego—recommending its passage.

Rules suspended, and the bill taken up.

Read third time and passed.

#### SPECIAL FILE RESUMED.

Senate Bill No. 538—An Act to regulate fees and compensation of the Sheriff of the County of Sacramento.

Assembly amendments concurred in.

Senate Bill No. 403—An Act authorizing and providing for appropriations and expenditures of money for certain public purposes in the City and County of San Francisco.

Mr. Bartlett moved to lay the bill on the table.

On which the ayes and noes were demanded by Messrs. Bartlett, Howe, and McCarthy, and the motion prevailed, by a vote as follows:

AYES—Messrs. Anguey, Bartlett, Bush, Edgerton, Flint, Fraser, Graves, Hilborn, Laine, Lindsey, McCoppin, McCune, Montgomery, Pierson, Rogers, Satterwhite, Shirley, and Spencer—18.  
 NOES—Messrs. Beazell, Evans, Haymond, Hill, Howe, Lewis, Martin, McGarvey, Nunan, O'Connor, Roach, and Tinnin—12.

Assembly Bill No. 758—An Act concerning the census of Millville, a school district in the County of Shasta.

Read third time and passed.

Senate Bill No. 626—An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Bartlett, Howe, and Roach, and it passed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Donovan, Edgerton, Evans, Fraser, Gibbons, Graves, Haymond, Hendricks, Hill, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, Montgomery, Nunan, Pierson, Satterwhite, Shirley, and Spencer—23.

NOES—Messrs. Anguey, Bartlett, Bush, Laine, Lindsey, McCune, O'Connor, Roach, and Tinnin—9.

Rules suspended, and the bill ordered to the Assembly forthwith.  
 Mr. McCarthy submitted reports as follows:

SENATE CHAMBER.

SACRAMENTO, March 30th, 1876. J

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 642—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof; and on this thirtieth day of March, eighteen hundred and seventy-six, at eleven o'clock and twenty minutes A. M., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

SENATE CHAMBER.  
SACRAMENTO, March 30th, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 12—An Act to amend certain sections of the Civil Code and to add certain new sections to said Code, all relating to insurance.

Also, Senate Bill No. 8—An Act to amend certain sections of the Political Code and to repeal certain sections of said Code, all relating to insurance.

And on this, the thirtieth day of March, eighteen hundred and seventy-six, at eleven o'clock and twenty minutes A. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

#### SPECIAL FILE RESUMED.

Assembly Bill No. 746—An Act to regulate the terms of the County Court of the County of Stanislaus.

Read third time, passed, and ordered to the Assembly forthwith.

Senate Bill No. 509—An Act to authorize the owners of the land in Levee District Number Five, Sutter County, to reorganize under the general swamp land laws of the State.

Laid on the table.

At nine o'clock P. M. Mr. Lewis moved to adjourn.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Craig, Edgerton, Evans, Flint, Hill, Howe, Lewis, McCoppin, McGarvey, Rogers, Shirley, and Timmin—15.

NOES—Messrs. Bush, Donovan, Fraser, Gibbons, Graves, Haymond, Hendricks, Hopkins, Laine, Lindsey, McCarthy, McCune, Montgomery, Numan, O'Connor, Pierson, Roach, Satterwhite, and Spencer—19.

Senate Bill No. 580—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County.

Amended.

Amendments concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 525 and Assembly Bill No. 642 were each passed on file.

Assembly Bill No. 632—An Act to further regulate the Paid Fire Department of the City and County of San Francisco, and to amend and supplement the several Acts relating thereto.

Mr. Bartlett moved to pass the bill on file.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Hilborn, Hill, Howe, Laine, Lindsey, McCune, O'Connor, Roach, and Rogers—12.

NOES—Messrs. Beazell, Craig, Donovan, Edgerton, Evans, Fraser, Gibbons, Graves, Haymond, Hendricks, Hopkins, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Pierson, Satterwhite, Shirley, and Spencer—21.

Read third time and passed.

At nine o'clock and twenty minutes P. M. Mr. Lewis moved to adjourn.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Bartlett, Beazell, Edgerton, Evans, Flint, Hendricks, Hilborn, Hill, Hopkins, Howe, Lewis, McCoppin, Rogers, Satterwhite, and Shirley—15.

NOES—Messrs. Angney, Bush, Fraser, Gibbons, Graves, Haymond, Laine, Lindsey, Martin, McCarthy, McCune, McGarvey, Montgomery, Numan, O'Connor, Pierson, Roach, Spencer, and Timmin—18.



Mr. Nunan gave notice of a motion to reconsider the vote by which the Senate refused to pass Senate Bill No. 399.

# ASSEMBLY MESSAGES.

On motion of Mr. Angney, the following Assembly messages were taken up.

## ASSEMBLY CHAMBER.

SACRAMENTO, March 30th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March twenty-seventh, passed Assembly Bill No. 714—An Act to fix the salaries of certain officers in the County of Alameda.

Also, on March twenty-eighth, passed Assembly Bill No. 641—An Act to add a new section to the Political Code, to be numbered section four hundred and seventy-four, relative to the duties of the Attorney-General.

Also, on March twenty-ninth, passed Assembly Bill No. 744—An Act in relation to the fees of witnesses in the County of El Dorado.

Also, on same date, passed Senate Bill No. 287—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Also, on same date, amended and passed Senate Bill No. 366—An Act to amend certain sections, to repeal certain sections, and to add a new section, to the Political Code, relative to the State Printer.

Also, that the Assembly concurred in Senate amendments to Assembly Bills Nos. 549, 697, 786, and 789.

O'NEIL, Assistant Clerk.

## ASSEMBLY CHAMBER.

SACRAMENTO, March 30th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 432—An Act to amend section one thousand and one of the Political Code.

O'NEIL, Assistant Clerk.

## ASSEMBLY CHAMBER.

SACRAMENTO, March 30th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, amended from its original form to section six of Senate Bill No. 144—An Act to provide for the appointment of an assessor of Transportation, and prevent extortion and discrimination in fares and freight on railroads in this State.

O'NEIL, Assistant Clerk.

## ASSEMBLY CHAMBER.

SACRAMENTO, March 30th, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and without objection, the Senate without amendment, Assembly Bill No. 804—An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provisions for any deficiency in the Street Department Fund for the fiscal year eighteen hundred and seventy-five-six.

Also, Assembly Bill No. 806—An Act supplemental to an Act concerning public roads in Lassen County, approved March twenty-ninth, eighteen hundred and seventy-six.

Also, Assembly Bill No. 808—An Act supplemental to an Act entitled an Act in relation to highways in the County of Solano.

Also, Assembly Bill No. 809—An Act to consolidate Rattlesnake School District, in Placer County, with Wild Goose School District, in El Dorado County.

Also, Assembly Bill No. 802—An Act to change the name of a certain town in the County of Los Angeles.

Also, Assembly Bill No. 348—An Act for the relief of the persons in possession of certain lands belonging to the State of California.

Also, Assembly Bill No. 799—An Act to confirm Order Number One Thousand Two Hundred and SIXTY-nine of the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 400—An Act exempting active firemen of the City of Stockton from payment of poll-tax.

Also, Assembly Bill No. 799—An Act concerning the draw-bridge over the San Antonio Creek, in Alameda County.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 30th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 807—An Act to enable the City of Sacramento to settle a judgment obtained against it by Pauline C. Fowler.

Also, Assembly Bill No. 704—An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved April eighteenth, eighteen hundred and sixty.

Also, Assembly Bill No. 561—An Act to provide for a Probate Court Commissioner in the City and County of San Francisco.

Also, Assembly Concurrent Resolution No. 49—Relative to Chinese emigration.

Also, passed Assembly Bill No. 387—An Act to regulate the practice of medicine in the State of California.

Also, Assembly Concurrent Resolution No. 36—Relative to specie payment.

Also, substitute for Senate Bill No. 292—An Act to add another section to the Civil Code, to be numbered section five hundred and fifty-two.

Also, Senate Bill No. 522—An Act to provide for the removal of the remains of deceased persons interred in California street, west of Lyon street, in the City and County of San Francisco, and for the grading of California street, between Lyon street and First Avenue, in said city.

Also, Senate Bill No. 335—An Act to open and establish a public street in the City and County of San Francisco, to be called Seventh street, to take private lands therefor, and to grade, macadamize, and improve a portion of Seventh street.

Also, amended and passed Senate Bill No. 474—An Act to authorize the Board of Education of the City and County of San Francisco to provide for the support of the common schools of said city and county.

Also, indefinitely postponed Senate Bill No. 52—An Act making an appropriation to aid exhibitors from the State of California at the Centennial Exhibition, to be held in the City of Philadelphia, in July, eighteen hundred and seventy-six.

Also, Senate Bill No. 177—An Act to regulate Sheriff's commissions in this State.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 30th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 611—An Act to pay the claim of Geo. W. Whitlock.

CAYLAT, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 639, above reported, read first and read second times, rules suspended, and the bill taken up for consideration.

On motion of Mr. Haymond, the bill was laid on the table.

At nine o'clock and forty-five minutes P. M. Mr. McCoppin moved to adjourn.

Lost.

Assembly Bills Nos. 759 and 561, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bills Nos. 802, 806, and 387, above reported, read first and second times and ordered on file.

Assembly Bills Nos. 799, 804, and 714, above reported, read first and second times and referred to the delegations named in the bills.

Assembly Bills Nos. 800, 807, and 805, above reported, each read first and second times, rules suspended, and the bills taken up for consideration, and each read third time and passed.

Assembly Bill No. 548, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands, with instructions to report to-morrow.

Assembly Bill No. 744, above reported, read first and second times, rules suspended, and taken up for consideration.

The Senate refused to pass the bill.

Assembly Bill No. 641, above reported, read first and second times, rules suspended, read third time, and passed.

Mr. Pierson gave notice of a motion to reconsider the vote by which the bill passed.

Assembly Concurrent Resolution No. 36, above reported, read first and second times, rules suspended, and taken up for consideration.

Read third time.

On concurring in the resolution, the ayes and noes were demanded by Messrs. Evans, Haymond, and Gibbons, and it was concurred in, by a vote as follows:

AYES—Messrs. Angley, Bartlett, Evans, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lane, Lindsey, Martin, McCarthy, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Spencer, Tinnin, and Tuttle—26.

NOES—Mr. Turner—1.

Assembly Concurrent Resolution No. 49, above reported, read first and second times and referred to the Committee on Federal Relations.

Assembly Bill No. 704, above reported, read first and second times and referred to the Committee on Hospitals.

Senate Bill No. 477, above reported, Assembly amendments concurred in.

#### ADJOURNMENT.

At ten o'clock and twenty-five minutes P. M., on motion of Mr. McGarvey, the Senate adjourned.

### IN SENATE.

SENATE CHAMBER.

Friday, March 31st, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

By general consent, the reading of the journal of yesterday was dispensed with and the same approved.

#### SPECIAL ORDER.

The special order for ten o'clock A. M. was taken up, being Senate Bill No. 630—An Act to provide for the management and sale of the sixteenth and thirty-sixth sections and lands in lieu thereof.

By general consent, the special order was postponed until after the consideration of the general appropriation bill.

Mr. Tuttle offered a resolution as follows:

*Resolved*, That Senators Howe, Tinnin, Donovan, and Bush be added to the Committee on Enrolled Bills.

Rules suspended, and the resolution adopted.

#### REPORTS.

Mr. Lewis, for the Judiciary Committee, verbally reported Assembly Bill No. 769—An Act to impose certain duties upon the Governor of this State—without recommendation.

By Mr. Beazell :

MR. PRESIDENT: The Swamp and Overflowed Land Committee, to whom was referred Assembly Bill No. 548—An Act for the relief of persons in possession of certain lands belonging to the State of California—report the same back, and recommend that it be transmitted to the Assembly for passage.

BEAZELL, For Committee.

Mr. Bush, for the delegation, verbally reported Assembly Bill No. 89—An Act entitled an Act to create a system of irrigation in the County of Los Angeles—recommending its passage.

Mr. Beazell, for the delegation, verbally reported Assembly Bill No. 799—An Act concerning the draw-bridge over the San Antonio Creek, in Alameda County;

Also, Assembly Bill No. 714—An Act to fix the salaries of certain officers in the County of Alameda—recommending the indefinite postponement of the bills.

Rules suspended, and the bills taken up.

Assembly Bill No. 799.

Indefinitely postponed.

Assembly Bill No. 714.

Indefinitely postponed.

Mr. Haymond moved to suspend the rules, to take up Assembly Bill No. 658—An Act to authorize Drury Melone, John Lord Love, and James J. Green to sue the State.

On which the ayes and noes were demanded by Messrs. Haymond, Tuttle, and Lindsey, and the Senate refused, two-thirds failing to vote in the affirmative:

AYES—Messrs. Beazell, Craig, Eakin, Edgerton, Evans, Flint, Fraser, Graves, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Shirley, and Turner—25.

NOES—Messrs. Angney, Bartlett, Donovan, Gibbons, Hill, Laine, Lindsey, McCune, Rogers, Satterwhite, Spencer, Tinnin, and Tuttle—13.

Mr. Angney, for the Committee on Finance, verbally reported Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years.

Rules suspended, and the bill taken up for consideration.

On motion of Mr. Edgerton, the bill was referred to a special committee of three, to be appointed by the President; that the committee report the same at their earliest convenience, and at the time the bill is reported, to be the special order to the exclusion of all other business.

The Chair appointed Senators O'Connor, Angney, and Graves as the special committee.

By Mr. Lewis:

MR. PRESIDENT: The Judiciary Committee, to whom was referred Assembly Bill No. 675—An Act to amend sections five hundred and seventy-eight, five hundred and eighty, and five hundred and eighty-one of the Political Code—report the same back, with amendments, and recommend the passage of the same as amended.

LEWIS, Chairman.

Rules suspended, and the bill above reported taken up for consideration.

Amendments concurred in.

Read third time, passed, and ordered to the Assembly.



Senate Bill No. 544—An Act to amend sections three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, and three thousand six hundred and thirty of the Political Code—was withdrawn by Mr. Roach, its author.

On motion of Mr. Haymond, Assembly Bill No. 658—An Act to authorize Drury Melone, John Lord Love, and James J. Green to sue the State—was taken up, under a suspension of the rules.

Amendments concurred in.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Laine, Beazell, and Satterwhite, and it passed, by a vote as follows:

**AYES**—Messrs. Craig, Donovan, Eakin, Edgerton, Evans, Flint, Fraser, Graves, Haymond, Hendricks, Hildorn, Hill, Hopkins, Howe, Lewis, Martin, McCoppin, McCune, McGarvey, Montgomery, Nathan, O'Connor, Pierson, Roach, Rogers, Shirley, and Tinnin—27.

**NOES**—Messrs. Angley, Bartlett, Farley, Laine, Lindsey, Satterwhite, Spencer, Turner, and Tuttle—9.

Mr. Tinnin gave notice of a motion to reconsider the vote by which the bill passed.

Mr. Graves, for the delegation, verbally reported Assembly Bill No. 774—An Act to empower and give authority to the County of Santa Barbara to aid in the construction of a railroad within its limits—recommending the indefinite postponement of the bill.

Rules suspended, and the bill taken up and indefinitely postponed.

Mr. Martin, according to previous notice, moved to reconsider the vote by which Assembly Bill No. 605—An Act concerning the removal of the remains of deceased persons from the State of California—was indefinitely postponed.

On which the ayes and noes were demanded by Messrs. McCune, Craig, and Martin, and the motion prevailed, by a vote as follows:

**AYES**—Messrs. Bartlett, Craig, Donovan, Eakin, Farley, Fraser, Haymond, Hendricks, Howe, Martin, McCarthy, McCune, Nathan, O'Connor, Roach, Rogers, Satterwhite, Spencer, Tinnin, and Tuttle—20.

**NOES**—Messrs. Beazell, Edgerton, Flint, Gibbons, Hildorn, Hill, Hopkins, Laine, Lewis, Lindsey, McCoppin, McGarvey, Montgomery, Pierson, Shirley, and Turner—16.

### Assembly Bill No. 605.

Amendments adopted in Committee of the Whole concurred in, except as follows: Amend section one by striking out "Governor of the State," and inserting in lieu thereof "Coroner of the county in which said remains are interred."

On concurring in the amendment, the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

**AYES**—Messrs. Evans, Farley, Flint, Hildorn, Hill, Hopkins, Laine, Lewis, McCoppin, McGarvey, Montgomery, Pierson, Shirley, Spencer, and Tinnin—15.

**NOES**—Messrs. Bartlett, Beazell, Craig, Donovan, Eakin, Fraser, Gibbons, Hendricks, Howe, Martin, McCune, Nathan, Roach, Rogers, Satterwhite, Turner, and Tuttle—18.

On motion of Mr. McGarvey, the amendment was amended by substituting "Sheriff" for "Coroner."

Mr. McCoppin moved to lay the bill on the table.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

**AYES**—Messrs. Beazell, Edgerton, Evans, Flint, Gibbons, Hill, Hopkins, Lewis, McCoppin, McGarvey, Pierson, and Turner—12.

NOES—Messrs. Bartlett, Craig, Donovan, Eakin, Farley, Fraser, Haymond, Hendricks, Hilborn, Howe, Laine, Lindsey, Martin, McCarthy, McCune, Montgomery, Numan, O'Connor, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, and Tuttle—25.

Read third time, passed, and ordered to the Assembly forthwith.

On motion of Mr. Laine, the Sergeant-at-Arms was instructed to clear the lobby.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER, )  
SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 460—An Act to revise an Act entitled an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government, approved March twenty-sixth, eighteen hundred and seventy-four.

Also, Senate Bill No. 629—An Act concerning the Burlingame Treaty.

Also, Senate Bill No. 455—An Act to prevent hogs and goats running at large on certain lands in this State.

And on this thirty-first day of March, eighteen hundred and seventy-six, at twelve o'clock M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

Mr. Tuttle, for the Committee on Finance, verbally reported Senate Bill No. 643—An Act making appropriations for deficiencies in appropriations for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Rules suspended, and the bill taken up.

Amendments adopted in Committee of the Whole concurred in.

Considered engrossed, read third time, passed, and ordered to the Assembly forthwith without engrossment.

#### GOVERNOR'S MESSAGES.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, March 30th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 289—An Act to create the Twenty-second Judicial District.

Also, Senate Bill No. 290—An Act to amend section one hundred and thirty-two of the Political Code, relating to judicial districts.

Also, substitute for Senate Bill No. 291—An Act to amend section sixty-four of the Code of Civil Procedure.

Also, Senate Bill No. 586—An Act for the establishment of a branch county jail in the County of Solano.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, March 30th, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved substitute for Senate Bill No. 443—An Act to provide for the government of the County of San Diego.

Also, Senate Bill No. 521—An Act to provide for the opening and extending of Leidesdorff street, in the City and County of San Francisco.

Also, Senate Bill No. 575—An Act to amend an Act entitled an Act concerning county officers in Yolo County and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four.

Also, Senate Bill No. 642—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 30th, 1876. }

To the Senate of the State of California:

I have to inform your honorable body that I nominate James Gallup, a resident of San Francisco, vice Charles Nelson, as one of the Pilot Commissioners for the Ports of San Francisco, Mare Island, and Benicia, and respectfully ask that the Senate consent to his appointment.

WILLIAM IRWIN, Governor.

Upon the question "Will the Senate advise and consent to the appointment of James Gallup, vice Charles Nelson, as one of the Pilot Commissioners of the Ports of San Francisco, Mare Island, and Benicia?" the roll was called, with the following result:

AYES—Messrs. Bartlett, Beazell, Donovan, Eakin, Edgerton, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Ifillborn, Hill, Hopkins, Howe, Laune, Lewis, Lindsey, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, and Tuttle—33.

NOES—None.

Whereupon the Chair announced the appointment of James Gallup, as a Pilot Commissioner, duly confirmed.

Mr. Donovan, by leave, offered a resolution as follows:

*Resolved by the Senate, the Assembly concurring,* That the Enrolling Clerk of the Senate be and he is hereby directed to correct a clerical error in Senate Bill No. 355, by substituting the word "southeasterly" for the word "northeasterly," in line thirty-three of section four of said bill.

Adopted.

Mr. Hendricks submitted a report as follows:

SENATE CHAMBER, }  
SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: Your Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 580—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.

HENDRICKS, for the Committee.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 30th, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 419—An Act to provide for an examination into the sale and disposal of State lands.

Also, Assembly Bill No. 612—An Act to amend section one thousand one hundred and thirteenth of the Political Code.

Also, passed Senate Bill No. 115—An Act to confer certain powers upon corporations organized for the purpose of preventing and discovering fires and of saving property and human life from conflagration.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March thirtieth, passed Senate Bill No. 648—An Act to amend and also to repeal certain sections of the Political Code, relating to the State Board of Equalization.

Also, on this date, amended and passed Senate Bill No. 540—An Act to authorize the erection and maintenance of a draw-bridge across Petaluma Creek, in the City of Petaluma.

Also, that the Speaker appointed, on behalf of the Assembly, as a Committee of Conference to consider Senate amendments to Assembly Bill No. 292, Messrs. Murphy, Colley, and McCarthy.

Also, herewith return, properly authenticated, Assembly Bill No. 548.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 31st, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March thirtieth, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 795—An Act to authorize W. S. Green, and his associates, to build and construct a bridge across the Sacramento River, at Colusa.

Also, Assembly Bill No. 772—An Act to amend section six hundred and sixty-seven of the Penal Code.

Also, on March twenty-ninth, passed Senate Bill No. 636—An Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature at its twentieth session, and agreed to by the Legislature at its twenty-first session, to the people, at the general election in the year eighteen hundred and seventy-seven, and to provide for carrying said amendments into effect if approved and ratified by the people.

Also, Senate Bill No. 156—Proposed amendments to the Constitution of the State of California.

Also, on March thirtieth, passed Senate Bill No. 625—An Act to authorize the compromise of certain litigation concerning a portion of the water-front of the City and County of San Francisco.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 31st, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 767—An Act to cure certain defects in applications for the purchase of lands and to confirm land titles.

Also, Assembly Concurrent Resolution No. 42—Relative to mineral lands embraced within the limits of the sixteenth and thirty-sixth sections.

Also, passed Senate Bill No. 647—An Act to amend an Act entitled an Act to incorporate the City of Gilroy, approved March twelfth, eighteen hundred and seventy.

Also, concurred in Senate Joint Resolution No. 57—Relative to suspending Joint Rule Number Fifteen.

Also, indefinitely postponed Senate Concurrent Resolution No. 59—To correct an error in Senate Bill No. 549.

Also, to return Senate Bill No. 599.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 767, 419, and Assembly Concurrent Resolution No. 42, above reported, each read first and second times and referred to the Committee on Public Lands, with instructions to report Assembly Bill No. 767 to-morrow morning.

Assembly Bill No. 548, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly Bill No. 772, above reported, read first and second times, rules suspended, the bill taken up for consideration, and indefinitely postponed.

Assembly Bill No. 175, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 612, above reported, read first and second times and referred to the Judiciary Committee.

At twelve o'clock and thirty minutes P. M. the hour of recess was temporarily postponed.

Senate Bill No. 599, above reported, with an Assembly amendment to section eight.

On concurring in the amendment, the ayes and noes were demanded by Messrs. Haymond, Lewis, and Tuttle, and it was concurred in, by a vote as follows:

AYES—Messrs. Bartlett, Edgerton, Evans, Flint, Fraser, Gibbons, Haymond, Hopkins, Laine, Lindsey, McCoppin, Montgomery, Numan, Pierson, Shirley, and Spencer—16.

NOES—Messrs. Beazell, Hill, Lewis, Martin, McCarthy, McGarvey, Roach, Tinnin, Turner, and Tuttle—10.



Senate Bill No. 540.

Assembly amendments concurred in.

On motion of Mr. Lindsey, the special order for ten o'clock, and which was temporarily postponed, was set for two o'clock P. M.

RECESS.

At twelve o'clock and fifty minutes P. M., on motion of Mr. Lewis, the Senate took a recess until two o'clock P. M.

RE-ASSEMBLED.

At two o'clock P. M. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

Mr. Angney submitted a report as follows:

MR. PRESIDENT: The Committee on Public Lands have considered Assembly Bill No. 785—An Act to add certain sections to the Political Code and to amend certain other sections—and recommend its passage.

ANGNEY, Chairman.

The bill was ordered at the head of the general file for to-morrow. Mr. Craig offered a resolution as follows:

*Resolved*, That three additional members be appointed to assist the Enrolling Committee in examining enrolled bills.

Adopted.

Mr. Haymond offered an amendment to Standing Rule Number Eighteen.

Referred to the Committee on Rules.

Mr. Angney, for the special committee appointed to consider Assembly Bill No. 517—An Act making appropriations for the support of the government of the State for the twenty-eighth and twenty-ninth fiscal years—reported the bill back, with amendments, recommending the adoption of the amendments, and the passage of the bill as amended.

Mr. Tinnin withdrew the notice given to reconsider the vote by which Assembly Bill No. 658 passed.

The bill was ordered to the Assembly.

The President appointed Messrs. Craig, Hilborn, and Lindsey as the additional members of the Committee on Enrollment.

Mr. Bush submitted the following report:

SENATE CHAMBER.

SACRAMENTO, March 31st, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 383—An Act to incorporate the Town of Livermore, Alameda County.

Also, Senate Bill No. 412—An Act to provide for the issuance of the bonds of the County of Kern for the payment of the indebtedness of said county.

Also, Senate Bill No. 638—An Act to authorize certain liberties and to maintain certain restrictions within the County of Sacramento.

Also, Senate Bill No. 527—An Act to authorize the payment of B. E. Hunt, or his assigns, for services as teacher in Calistoga School District, Napa County.

Also, Senate Bill No. 546—An Act to confer certain powers upon the Directors of the Deaf, Dumb, and Blind Asylum.

Also, Senate Bill No. 494—An Act to ratify, confirm, and carry into effect a certain resolution of the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 99—An Act granting relief to tax-payers whose lands have been sold to the State.

And on this thirty-first day of March, eighteen hundred and seventy-six, at two o'clock and thirty-five minutes p. m., presented the same to his Excellency the Governor for his approval.

BUSH, for Committee.

### Assembly Bill No. 517 continued.

Reported from the Committee of the Whole with amendments.

On concurring in an amendment appropriating forty thousand dollars for the construction of a Mechanic Arts College, to be constructed under the direction of the Board of Regents of the University, the ayes and noes were demanded by the requisite number, and it was concurred in, by a vote as follows.

AYES—Messrs. Bartlett, Beazell, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Lewis, McCarthy, McCoppin, Montgomery, Numan, Pierson, Roach, Spencer, and Tuttle—25.

NOES—Messrs. Angney, Bush, Eakin, Laine, Lindsey, McCune, McGarvey, O'Connor, Satterwhite, Shirley, Timin, and Turner—12.

On concurring in the amendment appropriating four thousand dollars for the permanent improvement of the State Capitol grounds, the ayes and noes were demanded by Messrs. Laine, Bush, and Haymond, and it was concurred in, by a vote as follows:

AYES—Messrs. Beazell, Eakin, Edgerton, Evans, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Numan, Pierson, Roach, Spencer, and Tuttle—23.

NOES—Messrs. Angney, Bartlett, Bush, Farley, Hill, Laine, Lindsey, McCune, O'Connor, Satterwhite, Shirley, Tinnin, and Turner—13.

The other amendments to the bill were concurred in.

Read third time, passed, and ordered to the Assembly forthwith.

Mr. Roach submitted a report as follows:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 649—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof—have considered the same and prepared a substitute therefor, and recommend the passage of the substitute.

Also, have considered Assembly Bill No. 804—An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provision for any deficiency in the Street Department Fund for the fiscal year eighteen hundred and seventy-five-six—and recommend the passage of the same as amended.

ROACH, Chairman.

By Mr. McCarthy:

SENATE CHAMBER,  
SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 627—An Act to incorporate the Town of Red Bluff, Tehama County.

Also, Senate Bill No. 519—An Act to repeal an Act entitled an Act to protect agriculture and to prevent the trespassing of animals in Tehama County.

Also, Senate Bill No. 320—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco.

Also, Senate Bill No. 430—An Act for the relief of George Green and James Smith, of the City and County of San Francisco.

Also, Senate Bill No. 413—An Act granting the Omnibus Railroad Company certain rights therein named.

Also, Senate Bill No. 496—An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin.

And on this thirty-first day of March, eighteen hundred and seventy-six, at one o'clock and fifty minutes p. m., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

Mr. Lewis, for the delegation, verbally reported Assembly Bill No. 648—An Act relative to assessments in Reclamation District Number One Hundred and Twenty-four, in Colusa County—recommending its passage.

Mr. Hilborn, for the delegation, verbally reported Assembly Bill No. 651—An Act to encourage the propagation of fish in Lake Elinor, Tuolumne County—recommending that it do not pass.

Mr. Turner moved to reconsider the vote by which Assembly Bill No. 131 passed on yesterday.

The vote was reconsidered, and the bill taken up for consideration.

Mr. Craig offered an amendment as follows:

"SEC. 4. Section three thousand four hundred and seventy-eight of the Political Code is hereby amended to read as follows: Section 3478. Reclamation and levee districts formed under laws in force prior to the twenty-eighth of May, eighteen hundred and sixty-eight, may reorganize under the provisions of this chapter. Except where there is an outstanding indebtedness, the boundaries of the district shall not be changed."

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Edgerton, Fraser, Graves, Hendricks, Hilborn, Hopkins, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Spencer, and Turner—14.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Evans, Farley, Flint, Hill, Laine, Lindsey, McCune, Numan, O'Connor, Satterwhite, and Tinnin—15.

On motion of Mr. Turner, the bill was indefinitely postponed.

[Mr. Evans in the chair.]

#### SPECIAL ORDER.

Senate Bill No. 630, substitute for Senate Bill No. 43—An Act to provide for the management and sale of the sixteenth and thirty-sixth sections and lands in lieu thereof.

Mr. Turner moved to lay the bill on the table.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Eakin, Edgerton, Flint, Fraser, Gibbons, Graves, Hendricks, Hilborn, Hopkins, Laine, Lindsey, McCune, Numan, O'Connor, Roach, Satterwhite, Tinnin, and Turner—22.

NOES—Messrs. Craig, Farley, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, and Pierson—9.

Mr. Gibbons, for the Committee on Federal Relations, verbally reported Senate Concurrent Resolution No. 38—In reference to the United States Shipping Act of June seventh, eighteen hundred and seventy-two—without recommendation.

Mr. Pierson submitted a report as follows:

MR. PRESIDENT: Your Committee of Conference, appointed to confer with a like committee of the Assembly upon Senate amendments to Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco—begs leave to report progress, and requests that your committee be appointed as a Committee of Free Conference.

PIERSON, Chairman.

Report adopted and request granted.

Mr. Pierson, from the Committee on Rules, reported the proposed amendment to Standing Rule Eighteen—recommending its adoption.

Laid over one day, under the rules.

On motion of Mr. Fraser, the rules were suspended, to take up Assembly Bill No. 326—An Act for the relief of James W. Marshall.

Amendment concurred in.

Read third time and passed.

Mr. Graves offered a resolution as follows:

*Resolved*, That the Assembly be requested to return to the Senate Assembly Bill No. 517, in order that the Senate may further amend said bill, in case the Assembly has not already acted upon the amendments to said bill adopted in the Senate.

Adopted.

Mr. Farley, for the Judiciary Committee, verbally reported Senate Bill No. 45—An Act recommending to the electors of the State to vote for or against a convention to revise and change the Constitution of this State—recommending its passage.

Rules suspended, and the bill taken up for consideration.

Amendments concurred in.

Rules suspended, considered engrossed, read third time.

The roll was called, and the bill passed, by the following vote:

AYES—Messrs. Angney, Beazell, Bush, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Laine, Lewis, Martin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Satterwhite, Spencer, Tinnin, and Turner—28.

NOES—Messrs. Bartlett, Graves, Hopkins, Howe, and Shirley—5.

Rules suspended, and the bill ordered to the Assembly without engrossment.

Mr. Roach, by leave, introduced a bill as follows: An Act for the relief of John A. Sutter.

Read first and second times.

Mr. Roach moved to suspend the rules, to place the bill on its passage.

Lost.

On motion of Mr. Howe, the bill was ordered third on the special file for this evening.

RECESS.

At five o'clock P. M. the Senate took a recess.

RE-ASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

Mr. Haymond, by leave, introduced a bill as follows: An Act to amend section seven hundred and sixty-four of the Code of Civil Procedure.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time, passed, and ordered to the Assembly without engrossment.

SPECIAL FILE.

Assembly Bill No. 631—An Act to empower Tuolumne County to aid in the construction of a railroad from Columbia, in Tuolumne County, to Modesto or Oakdale, in Stanislaus County.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tuttle, Eakin, and Craig, and it passed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Eakin, Edgerton, Flint, Graves, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Pierson, Rogers, and Spencer—17.

NOES—Messrs. Angney, Bartlett, Bush, Haymond, Laine, Lindsey, McCune, O'Connor, Roach, Satterwhite, Tinnin, Turner, and Tuttle—13.



Mr. Beazell, by consent, offered a resolution as follows:

*Resolved by the Senate, the Assembly concurring.* That the Enrolling Clerk of the Senate be authorized and directed to correct a clerical error in the original printed Senate Bill No. 383—An Act to incorporate the Town of Livermore—in line seventeen, section nine, of said bill, by striking out the words "not to exceed," and inserting in lieu thereof the words "a tax not to exceed one-half of," and to make the enrolled bill correspond thereto.

Adopted.

Mr. Tuttle submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 597—An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code.

Also, Senate Bill No. 402—An Act providing for the opening, filling, and macadamizing of Fifteenth Avenue extension, in the City and County of San Francisco.

Also, Senate Bill No. 618—An Act amendatory of and supplementary to an Act to establish water rates in the City and County of San Francisco, approved March first, eighteen hundred and seventy-six.

Also, Senate Bill No. 492—An Act supplementary to an Act, approved March thirtieth, eighteen hundred and seventy-four, and entitled an Act to abolish the Board of City Hall Commissioners, and to provide for the continuance of the construction of the City Hall of the City and County of San Francisco.

Also, Senate Bill No. 479—An Act prohibiting the sale of intoxicating liquors within one mile of College City, Colusa County, California.

Also, Senate Bill No. 530—An Act to incorporate the Town of Martinez and to provide for the government thereof.

Also, Senate Bill No. 615—An Act concerning public records in the office of the County Recorder of San Bernardino County.

Also, Senate Bill No. 637—An Act to provide for the drainage of the County of Sacramento.

Also, Senate Bill No. 639—An Act to provide for the payment of the funded indebtedness of Mendocino County.

Also, Senate Bill No. 301—An Act to provide for the redemption of unused and uncanceled stamps of the State of California heretofore sold.

Also, Senate Bill No. 504—An Act to authorize corporations to own and improve the lots and houses in which their business is carried on.

Also, Senate Bill No. 622—An Act supplemental to an Act entitled an Act to protect agriculture in the County of Calaveras, approved March twenty-fourth, eighteen hundred and seventy-four.

Also, Senate Bill No. 312—An Act concerning corporations and persons engaged in the business of banking.

Also, Senate Concurrent Resolution No. 42—Relative to the expenses of the funeral of the late J. W. Mandeville.

Also, Senate Bill No. 344—An Act to authorize the City of Oakland to construct main sewers.

Also, Senate Bill No. 115—An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires and of saving property and human life.

Also, Senate Bill No. 402—An Act providing for the opening, filling, grading, and macadamizing of Fifteenth Avenue extension, in the City and County of San Francisco.

And on this thirty-first day of March, eighteen hundred and seventy-six, at eight o'clock p. m., presented the same to his Excellency the Governor for his approval.

TUTTLE, for the Committee.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly ordered the return of Assembly Bill No. 517, in accordance with the request of the Senate.

O'NEIL, Assistant Clerk.

Assembly Bill No. 517, above reported, was taken up.

By unanimous consent, the vote by which the bill passed was reconsidered.

Mr. Graves offered an amendment: Amend section one as follows:

"For indexing laws and journals in the office of the Secretary of State, four hundred and fifty dollars."

On adopting the amendment, the ayes and noes were demanded by Messrs. Tuttle, Tinnin, and Graves, and the Senate refused, by a vote as follows:

AYES—Messrs. Beazell, Edgerton, Flint, Gibbons, Graves, Haymond, Hilborn, Hopkins, Lewis, McCarthy, McCoppin, Montgomery, Nunan, Pierson, and Roach—15.

NOES—Messrs. Anguey, Bartlett, Bush, Donovan, Evans, Fraser, Hendricks, Hill, Howe, Laine, Lindsey, McCune, McGarvey, O'Connor, Rogers, Satterwhite, Spencer, Tinnin, and Tuttle—19.

Mr. Graves offered the following amendment: Amend section one by striking out the words "three hundred," after the words "For pay of Porter in the office of Secretary of State," and inserting the words "six hundred."

Lost.

The bill was amended in reference to the contingent expenses in the office of Secretary of State.

Read third time, passed, and ordered transmitted to the Assembly immediately.

Mr. Roach submitted the following reports:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 644—An Act to amend an Act supplemental to and amendatory of an Act entitled an Act to change the terms for holding municipal elections in the City and County of San Francisco and to define the official terms of certain officers therein mentioned, approved April twentieth, eighteen hundred and sixty-six, approved March thirtieth, eighteen hundred and seventy-two—have considered the same and prepared a substitute therefor, and recommend the passage of the substitute.

ROACH, Chairman.

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 759—An Act to confirm Order Number Two Hundred and Sixty-nine of the Board of Supervisors of the City and County of San Francisco—have had the same under consideration, and recommend that it be indefinitely postponed.

ROACH, Chairman.

Mr. Bush, of the Hospital Committee, verbally reported Assembly Bill No. 704—An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved April eighteenth, eighteen hundred and sixty—recommending its passage.

Rules suspended, the bill taken up, read third time, and passed.

Mr. Lewis from the Judiciary Committee, verbally reported Assembly Bill No. 433—An Act to add a new section to the Political Code, to be known as section one thousand two hundred and thirteen, relative to election tickets—without recommendation.

Mr. Rosen moved to take from the table Senate Bill No. 403.

Lost.

#### SPECIAL FILE RESUMED.

Senate Bill No. 648—An Act relative to assessments in Reclamation District Number One Hundred and Twenty-four, Colusa County.

Read third time and passed.

Assembly Bill No. 376—An Act to repeal Article IV. of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved

April nineteenth, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV., approved April first, eighteen hundred and seventy-two.

Mr. Bartlett moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by Messrs. Craig, Rogers, and Howe, and the motion prevailed, by a vote as follows :

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Edgerton, Evans, Gibbons, Graves, Hilborn, Hill, Howe, Laine, McCarthy, McCune, Montgomery, O'Connor, Tinnin, Turner, and Tuttle—19.

NOES—Messrs. Craig, Donovan, Fraser, Haymond, Lindsey, Martin, McCoppin, McGarvey, Nunan, Pierson, Roach, and Rogers—12.

Senate Bill No. 652—An Act for the relief of John A. Sutter.

Mr. Tinnin moved to lay the bill on the table.

Lost.

Rules suspended, considered engrossed, read third time, passed, and ordered to the Assembly forthwith, without engrossment.

Mr. Laine gave notice of a motion to reconsider the vote by which the bill passed.

Mr. Lewis moved to suspend the rules, to take up out of its order Assembly Bill No. 567.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows :

AYES—Messrs. Beazell, Craig, Donovan, Edgerton, Evans, Fraser, Gibbons, Graves, Haymond, Hendricks, Hill, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Nunan, Pierson, Rogers, Satterwhite, and Turner—24.

NOES—Messrs. Angney, Bartlett, Bush, Hilborn, Laine, Lindsey, McCune, O'Connor, Roach, and Tinnin—10.

Assembly Bill No. 567—An Act to create a City Criminal Court in and for the City and County of San Francisco, and to define its powers and duties.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Bartlett, Craig, and Fraser, and it passed, by a vote as follows :

AYES—Messrs. Beazell, Craig, Edgerton, Evans, Fraser, Gibbons, Graves, Haymond, Hendricks, Hill, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Pierson, Satterwhite, and Spencer—21.

NOES—Messrs. Angney, Bartlett, Bush, Donovan, Flint, Hilborn, Laine, Lindsey, O'Connor, Roach, Rogers, Tinnin, Turner, and Tuttle—14.

Mr. McCarthy submitted the following report:

SENATE CHAMBER,  
SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 385—An Act to provide for the collection of delinquent taxes in the City and County of San Francisco.

Also, Senate Bill No. 523—An Act to authorize the Board of Supervisors of Santa Cruz County to arrange with the Santa Cruz Railroad Company to change its railroad so as to pass through the Town of Watsonville.

Also, substitute for Senate Bill No. 432—An Act to amend the Civil Code by adding a new section thereto, to be numbered three hundred and twenty-one, and to repeal section five hundred and eighty-four of same Code, concerning corporations.

Also, Senate Bill No. 194—An Act to enable the Board of Supervisors of Snelling School District, in the County of Merced, to provide for the payment of the building debt in said school district.

Also, Senate Bill No. 445—An Act to confer additional powers on the Treasurer of the City and County of San Francisco.

Also, Senate Bill No. 590—An Act to facilitate the construction of a canal for the improvement of Oakland Harbor.

Also, Senate Bill No. 585—An Act to amend an Act entitled an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonora.

Also, Senate Bill No. 244—An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, additional powers.

Also, Senate Bill No. 391—An Act to amend the Political Code and to repeal certain Acts relating to the revenue.

Also, Senate Bill No. 476—An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three.

And on this thirty-first day of March, eighteen hundred and seventy-six, at nine o'clock and thirty minutes P. M., presented the same to the Governor for his approval.

McCARTHY, Chairman.

## ASSEMBLY MESSAGES.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment Assembly Bill No. 798—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Also, adopted Senate Concurrent Resolution No. 62—Authorizing the Enrolling Clerk of the Senate to correct a clerical error in Senate Bill No. 383.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted without engrossment, Assembly Bill No. 617—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, to provide for the opening of Serpentine Avenue, and the condemnation of private property therefor.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 569—An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure.

Also, Assembly Bill No. 809—An Act to authorize Boards of Supervisors to furnish Sheriffs and Deputy Sheriffs with a suitable badge of office.

Also, adopted and passed substitute for Senate Bill No. 93—An Act to repeal certain sections of the Political Code, relating to public schools.

Also, passed Senate Bill No. 558—An Act to amend section six hundred and ninety of the Code of Civil Procedure.

Also, Senate Bill No. 651—An Act to repeal an Act to protect fish in the Counties of Plumas and Sierra.

Also, amended and passed Senate Bill No. 646—An Act to authorize James McClatchy to sue the County of Sacramento.

Also, refused to pass Senate Bill No. 532—An Act to amend the Code of Civil Procedure.

Also, indefinitely postponed Senate Bill No. 505—An Act to provide revenue for the support of the government of this State.

Also, on this date, passed Assembly Bill No. 724—An Act to amend section one thousand seven hundred and twelve of the Political Code of the State of California.

Also, passed Assembly Bill No. 652—An Act making appropriations for benevolent purposes.

Also, adopted Assembly Joint Resolution No. 58—Relative to instructing the Enrolling Clerk of the Assembly to enroll Assembly Bill No. 605 out of its order.

Also, Senate Concurrent Resolution No. 60—Relative to presenting certain reports to officers of the Colonial Governments of Victoria and New South Wales.

Also, that the Assembly concurred in Senate amendments to Assembly Bills Nos. 658 and 328.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without



engrossment, Assembly Bill No. 84—An Act entitled an Act to amend section six hundred and fifty of the Code of Civil Procedure of California.

Also, Assembly Bill No. 454—An Act to amend section five hundred and forty-two of the Code of Civil Procedure by adding an additional subdivision thereto.

Also, Assembly Bill No. 97—An Act to amend the Civil Code, in relation to forms of certificates of acknowledgment.

Also, Assembly Bill No. 682—An Act to amend section two hundred and one of the Civil Code.

Also, Assembly Bill No. 716—An Act making an appropriation for deficiencies in the Stationery, Lights, and Fuel Fund for the twenty-seventh fiscal year.

Also, passed Senate Bill No. 483—An Act to confirm Resolutions Numbers Three Thousand Eight Hundred and Sixty-eight and Three Thousand Nine Hundred and Ninety-two (new series) of the Board of Supervisors of the City and County of San Francisco.

O'NEIL, Assistant Clerk.

#### ASSEMBLY CHAMBER.

SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 543—An Act regulating the insurance and transfer of shares of stock, or certificates thereof, in incorporated companies in the State of California.

Also, Assembly Bill No. 522—An Act for the better protection of stockholders in corporations, and to prevent the loaning of stocks deposited as collateral security.

Also, Assembly Bill No. 737—An Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the Acts amendatory thereof.

Also, concurred in Senate Concurrent Resolution No. 61—Authorizing the Enrolling Clerk to correct a clerical error in Senate Bill No. 355.

Also, concurred in Senate amendments to Assembly Bills Nos. 605 and 675.

O'NEIL, Assistant Clerk.

#### ASSEMBLY CHAMBER.

SACRAMENTO, March 31st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 808—An Act granting to certain persons therein named the right to construct a railway through the City of Placerville.

Also, passed Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations.

Also, Senate Bill No. 285—An Act to amend section two hundred and ninety of the Civil Code, concerning corporations.

Also, Senate Bill No. 326—An Act to amend an Act entitled an Act supplemental to an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Also, Senate Bill No. 90—An Act to repeal certain sections of the Political Code, relating to public schools.

Also, Senate Bill No. 372—An Act to amend section four thousand and seventy-one of the Political Code.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Joint Resolution No. 58, above reported, concurred in.

Senate Bill No. 646, above reported, Assembly Amendment concurred in.

#### ADJOURNMENT.

At ten o'clock and twenty-five minutes p. m. Mr. Graves moved to adjourn.

On motion, the ayes and noes were demanded by the requisite number, and the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Edgerton, Evans, Flint, Gibbons, Graves, Hill, Hopkins, Laine, Lewis, McCoppin, McGarvey, Montgomery, Pierson, Satterwhite, and Spencer—19.

NOES—Messrs. Craig, Donovan, Fraser, Haymond, Hendricks, Howe, Lindsey, Martin, Numan, O'Connor, Roach, Rogers, Tinnin, Turner, and Tuttle—15.

And the Senate adjourned.

## IN SENATE.

SENATE CHAMBER, }  
 Saturday, April 1st, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

By general consent, the reading of the journal of yesterday was dispensed with and the same approved.

Mr. Haymond, by leave, offered a resolution as follows:

*Resolved*, That the Assembly be requested to return the general appropriation bill to the Senate at once.

Adopted.

Mr. Bush offered a concurrent resolution as follows:

*Resolved by the Senate, the Assembly concurring*, That the Attorney-General of the State be and he is hereby requested, by appropriate action or proceeding, to bring the question before the Courts of this State and have it determined by the Supreme Court, as to the power of the Legislature to appropriate money from the public treasury to aid agricultural societies and all institutions not under State control, and that such action be promptly taken.

Adopted.

## REPORTS.

Mr. Laine, for the Committee on Retrenchment, verbally reported Senate Bill No. 628—An Act amendatory of an Act entitled an Act authorizing the appointment of certain employes of the State Capitol and fixing their compensation, approved March thirtieth, eighteen hundred and seventy-four—with an Assembly substitute therefor, and recommending that the Senate do not concur in the substitute.

Rules suspended, the bill taken up, and the Senate refused to concur.

By Mr. Angney:

MR. PRESIDENT: The Committee on Public Lands have considered Assembly Bill No. 419—An Act to provide for an examination into the sale and disposal of State lands—and return the same, without recommendation.

Also, Assembly Bill No. 767—An Act to cure certain defects in applications for the purchase of lands and to confirm land titles—and report the same back, recommending its passage.

ANGNEY, Chairman.

MR. PRESIDENT: The Committee on Finance have considered the following bills:

Substitute for Assembly Bill No. 713—An Act to appropriate four hundred and ninety-four thousand dollars to pay the valid and equitable claims against the State incurred in building the Napa State Asylum for the Insane, and to complete said structure, supply water therefor, and improve the grounds on which it is situated—and return the same, with the recommendation of a majority that it pass.

Senate Bill No. 641—An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane for the twenty-seventh fiscal year, ending the thirtieth of June, eighteen hundred and seventy-six—and report the same back, with a recommendation for its passage.

ANGNEY, Chairman.

Rules suspended, and the bills above reported taken up for consideration.

Senate Bill No. 641.

Considered as in Committee of the Whole.

Rules suspended, considered engrossed, read third time, and passed.

### Assembly Bill No. 713.

Assembly substitute for the bill reported from the Committee of the Whole.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Angney, Bartlett, and Evans, and the bill passed, by a vote as follows:

AYES—Messrs. Beazell, Craig, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Howe, Lewis, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Numan, Pierson, Shirley, Spencer, Turner, and Tuttle—27.

NOES—Messrs. Angney, Bartlett, Bush, Laine, Lindsey, O'Connor, Roach, Rogers, Satterwhite, and Timin—10.

On motion of Mr. Edgerton, the consideration of the two bills composing the special order set for eleven o'clock A. M. to-day, was postponed until one o'clock and thirty minutes P. M.

### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.

SACRAMENTO, April 1st, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the resolution asking for the return of Senate Bill No. 517, and I herewith return the same.

O'NEIL, Assistant Clerk.

Assembly Bill No. 517, above reported, taken up, and by unanimous consent, the vote by which the bill passed was reconsidered.

The bill was amended in reference to whole and half orphans and abandoned children.

Read third time and passed.

Mr. Roach, by leave introduced a bill as follows: An Act to define certain powers and duties of the Superintendent of Streets and of the Board of Supervisors of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Mr. O'Connor, for the Committee on Claims, verbally reported Assembly Bill No. 484—An Act for the relief of William Saunders.

Rules suspended, and the bill taken up for consideration.

Read third time and passed.

On motion of Mr. McCoppin, the rules were suspended, and Senate Bill No. 601 taken up for consideration.

Senate Bill No. 601—An Act to amend an Act entitled an Act to amend an Act entitled an Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco, for commercial purposes, and other matters relating thereto.

Amendments concurred in.

Mr. Bartlett moved to amend an amendment to section one by inserting after the word "portion" the words "of China or Central Basins to be leased or any portion."

Mr. Numan moved to strike out "China Basin" in the amendment. Lost.

On the adoption of the amendment offered by Mr. Bartlett, the ayes and noes were demanded by Messrs. Bartlett, McCoppin, and Craig, and the Senate refused, by a vote as follows :

AYES—MESSRS. Angney, Bartlett, Bush, Hill, Lindsey, McCune, O'Connor, Satterwhite, Tinnin, and Tuttle—10.

NOES—MESSRS. Beazell, Craig, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Nunan, Pierson, Roach, Rogers, Shirley, and Turner—24.

Mr. Evans moved to suspend the rules, to consider the bill engrossed, and place it on its third reading and passage.

On which the ayes and noes were demanded by Messrs. O'Connor, Bartlett, and Evans, and the motion prevailed, by a vote as follows :

AYES—MESSRS. Beazell, Craig, Donovan, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Nunan, Pierson, Roach, Rogers, Shirley, and Turner—27.

NOES—MESSRS. Angney, Bartlett, Bush, Hill, Laine, Lindsey, O'Connor, Tinnin, and Tuttle—9.

Read third time and passed.

On motion of Mr. Evans, the rules were suspended, to take up Assembly Bill No. 294 for consideration.

Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

On motion of Mr. Haymond, the bill was referred to a special committee of two, to report the same immediately after recess; and the Chair appointed Messrs. O'Connor and Tinnin.

Mr. Nunan submitted a report as follows :

MR. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Assembly Bill No. 542—An Act supplementary to an Act entitled an Act to regulate the assessment of migrating herds or bands of live stock, and to provide for an equitable distribution of taxes derived therefrom, approved March sixteenth, eighteen hundred and seventy-four—report the same back, and recommend its passage.

NUNAN, Chairman.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
SACRAMENTO, April 1st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March thirty-first, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Concurrent Resolution No. 57—To investigate a certain action now pending in the City and County of San Francisco.

Also, passed Senate Bill No. 580—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, April 1st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Concurrent Resolution No. 59—Relative to certain instructions to the Attorney-General in the matter of the Golden City Homestead Association.

Also, passed Senate Bill No. 45—Recommending to the voters of the State to vote for or against a convention to revise and change the Constitution of the State.

Also, Senate Bill No. 653—An Act to amend section seven hundred and sixty-four of the Code of Civil Procedure.

O'NEIL, Assistant Clerk.



ASSEMBLY CHAMBER,  
SACRAMENTO, April 1st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 534—An Act to confer additional powers upon County Boards of Examination and City Boards of Education.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bills Nos. 617, 798, and Assembly Concurrent Resolution No. 59, above reported, each read first and second times and referred to the San Francisco delegation.

Assembly Concurrent Resolution No. 57, above reported.

Mr. Lindsey moved to take up the resolution for consideration.

On which the ayes and noes were demanded by Messrs. Lindsey, Edgerton, and Fraser, and the Senate refused. The Chair decided that it required a suspension of the rules, and two-thirds failing to vote in the affirmative, the motion was lost. The vote was as follows:

AYES—Messrs. Anzney, Bartlett, Beazell, Bush, Edgerton, Flint, Fraser, Hendricks, Hill, Howe, Lane, Lindsey, McCune, McGarvey, Montgomery, Numan, O'Connor, Roach, Spencer, Tamm, and Tuttle—21.

NOES—Messrs. Evans, Farley, Graves, Hilborn, Hopkins, Lewis, Martin, McCarthy, McCoppin, Pierson, Satterwhite, and Turner—12.

Assembly Bills Nos. 84, 454, 682, 97, 737, 522, 543, 569, and 724, above reported, each read first and second times and ordered on file.

Assembly Bills Nos. 808 and 809, above reported, read first and second times, rules suspended, each read third time, and passed.

Assembly Bills Nos. 716 and 652, above reported, each read first and second times and referred to the Committee on Finance.

Mr. Martin offered a resolution as follows:

*Resolved*, That the order made yesterday, to remove spectators from the lobby, is hereby rescinded.

Adopted.

On motion of Mr. O'Connor, the rules were suspended, to take up Assembly Bill No. 421—An Act for the relief of Elijah True.

Amendment adopted.

Read third time and passed.

Mr. Farley submitted a report as follows:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 795—An Act to authorize W. S. Green, and his associates, to build and construct a bridge across the Sacramento River, at Colusa—report the same back, and recommend its passage.

Also, Assembly Bill No. 283—An Act to reincorporate the City of Anaheim—report the same back, with an amendment, recommend the adoption of the amendment, and without recommendation as to the passage of the bill.

FARLEY, Chairman.

By Mr. McCarthy:

SENATE CHAMBER,  
SACRAMENTO, April 1st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled substitute for Senate Bill No. 221—An Act to revise the road laws of Merced County, and to create the office of Road Commissioner, and to provide for its duties—and on this first day of April, eighteen hundred and seventy-six, at eleven o'clock and fifty-five minutes p. m., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

By Mr. Tuttle:

SENATE CHAMBER,  
SACRAMENTO, April 1st, 1876.

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 384—An Act to provide for the collection of delinquent taxes for the twenty-fourth, twenty-fifth, and twenty-sixth fiscal years, in the City and County of San Francisco.

Also, Senate Bill No. 90—An Act to repeal sections of the Political Code relating to public schools.

And on this first day of April, eighteen hundred and seventy-six, at one o'clock p. m., presented the same to his Excellency the Governor for his approval.

TUTTLE, of Committee.

Mr. Howe moved to reconsider the vote by which Senate Bill No. 652—An Act for the relief of John A. Sutter—passed on yesterday.

On motion of Mr. Turner, the motion was indefinitely postponed.

Mr. Turner suggested that bills already enrolled be reported without delay; and, by general consent, such was considered the order of the Senate.

Mr. Shirley submitted the following resolution:

*Resolved*, That the sum of two hundred dollars is hereby allowed A. A. Bennett, architect, for work done for the State Prison Committee, and the same is hereby ordered to be paid out of the Contingent Fund of the Senate.

Adopted.

On motion of Mr. Farley, the rules were suspended, to take up Assembly Bill No. 504—An Act to amend section one thousand seven hundred and seventy-one of the Political Code.

Read third time and passed.

On motion of Mr. McGarvey, the rules were suspended, to take up Assembly Bill No. 205—An Act to amend section one thousand seven hundred and fifty-one of the Political Code.

Amendment concurred in.

Read third time and passed.

RECESS.

At twelve o'clock and thirty-five minutes p. m. the Senate took a recess.

RE-ASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

The special order set for ten o'clock and thirty minutes p. m. was temporarily postponed.

The amendment to Standing Rule Number Eighteen was taken up.

*Resolved*, That Standing Rule Number Eighteen be amended to read as follows:

RULE No. 18.

APPOINTMENT AND ORDER OF STANDING COMMITTEES.

The following Standing Committees shall be appointed:

- 1.—Committee on Agriculture, to consist of three members.
- 2.—Committee on Claims, to consist of three members.
- 3.—Committee on Commerce and Navigation, to consist of five members.
- 4.—Committee on Contingent Expenses, to consist of three members.
- 5.—Committee on Corporations, to consist of five members.
- 6.—Committee on Counties and County Boundaries, to consist of three members.

- 7.—Committee on Education, to consist of three members.
- 8.—Committee on Engrossed Bills, to consist of five members.
- 9.—Committee on Enrolled Bills, to consist of five members.
- 10.—Committee on Federal Relations, to consist of three members.
- 11.—Committee on Finance, to consist of five members.
- 12.—Committee on Hospitals, to consist of three members.
- 13.—Committee on Internal Improvements, to consist of five members.
- 14.—Committee on Judiciary, to consist of seven members.
- 15.—Committee on Mileage, to consist of three members.
- 16.—Committee on Military Affairs, to consist of three members.
- 17.—Committee on Mines, to consist of five members.
- 18.—Committee on Public Buildings, other than Prison Buildings, to consist of three members.
- 19.—Committee on Public and Swamp and Overflowed Lands, to consist of five members.
- 20.—Committee on Public Morals, to consist of three members.
- 21.—Committee on Public Printing, to consist of three members.
- 22.—Committee on Roads and Highways, to consist of three members.
- 23.—Committee on State Library, to consist of three members.
- 24.—Committee on State Prison and Prison Buildings, to consist of five members.
- 25.—Committee on Irrigation and Water Rights, to consist of five members.

No member appointed on the Judiciary Committee shall be appointed a member of any other standing committee.

The rule was adopted as amended.

Mr. Evans moved that the Enrolling Committee be requested to examine the bills already enrolled, and directed to report the same to the Governor forthwith.

Agreed to.

Mr. Craig offered the following resolution :

*Resolved*, That the Secretary of State be and he is hereby authorized and directed to return to Joseph Neumann a silk flag taken by the former Secretary of State, H. L. Nichols, from the Senate Chamber at the close of the Legislature of eighteen hundred and sixty-nine-seventy, and which has remained in the possession of the Secretary of State since that time, which said silk flag is the property of Joseph Neumann aforesaid.

Adopted.

#### SPECIAL ORDER.

Assembly Bill No. 358—An Act to regulate and govern the California State Prison; and

Assembly Bill No. 611—An Act to provide for the completion of the Branch State Prison.

Assembly Bill No. 358 taken up.

Amendment adopted in Committee of the Whole concurred in.

Mr. Shirley moved to amend section twenty-one by striking out "one dollar per day," as the minimum price of labor, and inserting "fifty cents per day."

On which the ayes and noes were demanded by the requisite number, and it was adopted, by a vote as follows :

AYES—Messrs. Aughey, Bartlett, Beazell, Bush, Craig, Evans, Flint, Hilborn, Hill, Laine, Lewis, Lindsey, McCune, McGarvey, Montgomery, Pierson, Satterwhite, Shirley, Spencer, Tinnin, and Tuttle—21.

NOES—Messrs. Donovan, Edgerton, Fraser, Haymond, Hendricks, Howe, Numan, O'Connor, Roach, Rogers, and Turner—11.

Reports were submitted as follows :

By Mr. Tuttle :

SENATE CHAMBER.

SACRAMENTO, April 1st, 1876. }

MR. PRESIDENT : Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 452—An Act to amend section one thousand and one of the Political Code.

Also, substitute for Senate Bill No. 287—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Also, Senate Bill No. 549—An Act to regulate the practice of medicine in the State of California.

And on this first day of April, eighteen hundred and seventy-six, at three o'clock P. M., presented the same to his Excellency the Governor for his approval.

TUTTLE, for Committee.

By Mr. Turner :

SENATE CHAMBER,  
SACRAMENTO, April 1st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations— and on this first day of April, eighteen hundred and seventy-six, at two o'clock and forty-five minutes P. M., presented the same to his Excellency the Governor for his approval.

TURNER, for Committee.

Assembly Bill No. 358 continued.

Sections twenty-one and twenty-three were amended.

Read third time and passed.

Mr. Gibbons, by leave, introduced a bill as follows: An Act making appropriations for the deficiency in the twenty-sixth and twenty-seventh fiscal years for the University of California.

Read first and second times.

Mr. Edgerton moved to make the bill a special order immediately after the disposition of the present special order.

On which the ayes and noes were demanded by Messrs. Tinnin, O'Connor, and Lindsey, and it was so ordered, by a vote as follows :

AYES—Messrs. Beazell, Craig, Donovan, Edgerton, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Howe, Lewis, Martin, McCune, Montgomery, Numan, Pierson, Rogers, Shirley, and Spencer—22.

NOES—Messrs. Angney, Bartlett, Bush, Evans, Laine, Lindsey, McGarvey, O'Connor, Roach, Satterwhite, Tinnin, and Turner—12.

Mr. Rogers submitted a report as follows :

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred sundry bills, report the same back, and recommend the passage of the following resolution.

ROGERS, Chairman.

*Resolved*, That the following sums be allowed and ordered paid out of the appropriation for the contingent expenses of the Senate: Pacific Ice Company, twenty-seven dollars and fifty cents; Mrs. Martha Taylor, for washing, eight dollars.

Adopted.

#### SPECIAL ORDER.

Assembly Bill No. 611—An Act to provide for the completion of the Branch State Prison.

On concurring in an amendment as follows: Amend section one by striking out the words "and directed," after the word "authorized," in line one, printed bill, and inserting after the word "authorized" the words "in their discretion," the ayes and noes were demanded by the requisite number, and it was concurred in, by a vote as follows :

AYES—Messrs. Angney, Bartlett, Bush, Craig, Evans, Flint, Gibbons, Graves, Hill, Howe, Laine, Lindsey, McCarthy, McCoppin, McCune, McGarvey, Montgomery, O'Connor, Rogers, Satterwhite, Shirley, Spencer, and Tuttle—23.

NOES—Messrs. Beazell, Donovan, Edgerton, Fraser, Haymond, Hendricks, Hilborn, Hopkins, Lewis, Martin, Numan, Pierson, Roach, and Tinnin—14.

The other amendments to the bill were concurred in.

Mr. Edgerton moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by Messrs. Donovan, Craig, and Fraser, and the motion prevailed, by a vote as follows :



**AYES**—Messrs. Angney, Bartlett, Beazell, Bush, Edgerton, Flint, Gibbons, Graves, Hillborn, Laine, Lewis, Lindsey, McCarthy, McCoppin, McCune, Montgomery, O'Connor, Pierson, Satterwhite, Shirley, and Tuttle—21.

**NOES**—Messrs. Craig, Donovan, Evans, Fraser, Haymond, Hendricks, Hill, Hopkins, Howe, Martin, Nunan, Roach, Rogers, Spencer, and Tinnin—15.

**Mr. Haymond offered a resolution as follows :**

*Resolved*, That C. F. Smith be allowed twenty-five dollars, for work performed for the Judiciary Committee, and that said sum be paid out of the Contingent Fund of the Senate.

**Adopted.**

#### SPECIAL ORDER.

Senate Bill No. 655—An Act making appropriations for the deficiency in the twenty-sixth and twenty-seventh fiscal years for the University of California.

**Mr. McCarthy submitted a report as follows :**

SENATE CHAMBER,  
SACRAMENTO, April 1st, 1876. )

**MR. PRESIDENT:** Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 647—An Act to amend an Act entitled an Act to incorporate the City of Gilroy, approved March twelfth, eighteen hundred and seventy.

Also, Senate Bill No. 625—An Act to authorize the compromise of certain litigation concerning a portion of the water-front of the City and County of San Francisco.

Also, Senate Bill No. 648—An Act to amend and also to repeal certain sections of the Political Code, relating to the State Board of Equalization.

Also, Senate Bill No. 538—An Act to regulate the fees and compensation of the Sheriff of the County of Sacramento.

Also, Senate Bill No. 372—An Act to amend section four thousand and seventy-one of the Political Code.

Also, substitute for Senate Bill No. 292—An Act to add two more sections to the Civil Code, to be numbered sections five hundred and fifty-two and five hundred and fifty-three.

Also, Senate Bill No. 651—An Act to repeal an Act to protect fish in the Counties of Plumas and Sierra.

Also, Senate Bill No. 285—An Act to amend section two hundred and ninety of the Civil Code, concerning corporations.

Also, Senate Bill No. 646—An Act to authorize James McClatchy to sue the County of Sacramento.

Also, Senate Bill No. 540—An Act to authorize the erection and maintenance of a draw-bridge across Petaluma Creek, in the City of Petaluma.

And on this first day of April, eighteen hundred and seventy-six, at three o'clock and forty minutes P. M., presented the same to his Excellency the Governor for his approval.

MC CARTHY, Chairman.

**By Mr. Turner :**

SENATE CHAMBER,  
SACRAMENTO, April 1st, 1876. )

**MR. PRESIDENT:** Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 634—An Act to add a new section to the Code of Civil Procedure.

Also, Senate Bill No. 534—An Act to confer abolition powers upon County Boards of Examination and City Boards of Education.

And on this first day of April, eighteen hundred and seventy-six, at four o'clock and forty-five minutes P. M., presented the same to his Excellency the Governor for his approval.

TURNER, of Committee.

Special order continued, being Senate Bill No. 655.

Mr. McGarvey moved to refer the bill to the Committee on Finance.

Lost.

Mr. Gibbons moved to suspend the rules, to consider the bill engrossed, and place it on its third reading and passage.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, two-thirds failing to vote in the affirmative :

**AYES**—Messrs. Beazell, Craig, Edgerton, Evans, Flint, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Lewis, Martin, McCarthy, McCoppin, Montgomery, Nunan, Pierson, Rogers, Shirley, Spencer, and Tuttle—23.

**NOES**—Messrs. Aughey, Bartlett, Bush, Donovan, Farley, Fraser, Laine, Lindsey, McCune, McGarvey, O'Connor, Satterwhite, and Turner—13.

On motion of Mr. Gibbons, the bill was referred to the Committee on Finance, with instructions to report the same on Monday morning next, at ten o'clock.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, April 1st, 1876. }

**MR. PRESIDENT:** Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 45—An Act recommending to the electors of the State to vote for or against a convention to revise and change the Constitution of the State.

Also, Senate Bill No. 490—An Act granting further powers on the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof.

And on this first day of April, eighteen hundred and seventy-six, at five o'clock and fifteen minutes P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

RECESS.

At five o'clock and twenty minutes P. M. the Senate took a recess.

RE-ASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate re-assembled. President in the chair.

Rolled called, and a quorum present.

Mr. Haymond, by leave, introduced a bill as follows: An Act to appropriate money for the support of the State government.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

SPECIAL FILE.

Assembly Bill No. 757—An Act to amend an Act entitled an Act to incorporate the City of Healdsburg, approved March twenty-sixth, eighteen hundred and seventy-four.

Read third time and passed.

The rules were suspended, and the following bills taken up from the general file:

Senate Bill No. 515—An Act to amend section two thousand five hundred and twenty-five of the Political Code.

Amendments concurred in.

Assembly Bill No. 76—An Act relative to apprentices and masters.

Read third time and passed.

Mr. Donovan offered a resolution as follows:

*Resolved*, That the Enrolling Clerk's office shall be kept open on Sunday, April second, eighteen hundred and seventy-six, and that the Clerk shall keep such or all of his assistants there as will be requisite to complete the enrolling of all bills that may be in his office.

Adopted.

Mr. Roach submitted a report as follows:

**MR. PRESIDENT:** The San Francisco delegation, to whom was referred Assembly Bill No. 618—An Act concerning Justices' Courts of the City and County of San Francisco—have considered the same, and recommend its passage.

Also, have considered Assembly Bill No. 561—An Act to provide for a Probate Court Commissioner in the City and County of San Francisco—and recommend its indefinite postponement.

Also, have considered Senate Bill No. 654—An Act to define certain powers and duties of the Superintendent of Streets and the Board of Supervisors of the City and County of San Francisco—and recommend the passage of the same.

Also, have considered Assembly Concurrent Resolution No. 59—Relative to certain directions to the Attorney-General in the matter of the Golden City Homestead Association of the City and County of San Francisco—and recommend that it do not pass.

Also, have considered Assembly Bill No. 617—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, to provide for the opening of Serpentine Avenue, and the condemnation of private property therefor—and report the same back, without recommendation.

ROACH, Chairman.

Assembly Bill No. 618, above reported, taken up.  
Read third time and passed.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, April 1st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, concurred in all of Senate amendments to Assembly Bill No. 517—An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years—except those marked one, two, and three, and the Senate is most respectfully requested to recede from the same.

O'NEIL, Assistant Clerk.

Assembly Bill No. 517 taken up.

The Senate adhered to its amendments to the bill as follows: Amend section one, in lines two hundred and five and two hundred and six, by striking out "for construction of bridges in Yosemite Valley, five thousand dollars."

Also, amend by striking out lines two hundred and seven, two hundred and eight, two hundred and nine, two hundred and ten, two hundred and eleven, two hundred and twelve, and two hundred and thirteen, in section one.

And receded from the amendment as follows: Amend section one, line one hundred and thirty-six, by striking out "six" and inserting "two."

And ordered the bill to the Assembly, with a request that that body concur in the amendments not receded from by the Senate.

Mr. O'Connor, for the special committee, reported Assembly Bill No. 294, without recommendation.

The bill was ordered at the head of the general file for Monday next.

On motion of Mr. Laine, the rules were suspended, and Assembly Bill No. 419—An Act to provide for an examination into the sale and disposal of State lands—taken up for consideration.

Mr. Lewis moved to suspend the rules, that the bill be referred to a special committee to be appointed by the Chair, with instructions to report a substitute providing that the duties be imposed upon certain State officers, and to report on Monday.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Hill, Lewis, McCarthy, and McGarvey—5.

NOES—Messrs. Augney, Bartlett, Beazell, Bush, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Howe, Laine, Lindsey, McCoppin, McCune, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Timin, and Turner—30.

Read third time and passed.

Mr. Tuttle, by leave, offered a resolution as follows :

*Resolved by the Senate, the Assembly concurring.* That the Enrolling Clerk of the Senate be authorized to renumber sections ten and eleven, so as to read sections nine and ten, in Senate Bill No. 134.

Adopted.

Mr. Lewis, for the Judiciary Committee, verbally reported Assembly Bills Nos. 672 and 728, without recommendation.

Rules suspended, and the bills taken up.

Assembly Bill No. 728—An Act to amend sections one thousand two hundred and twenty-five and one thousand two hundred and twenty-six of the Political Code.

Read third time and passed.

Assembly Bill No. 672—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

Read third time and passed.

The rules were suspended, and the following bills taken from the general file :

Senate Bill No. 414—An Act to repeal section six hundred and thirty-five of the Code of Civil Procedure.

Considered engrossed, read third time, and passed.

Assembly Bill No. 169—An Act to amend sections eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-eight, eight hundred and fifty, eight hundred and seventy-one, and eight hundred and seventy-three of the Code of Civil Procedure.

Read third time and passed.

Assembly Bill No. 769—An Act imposing certain duties upon the Governor of this State.

Read third time and passed.

Assembly Bill No. 401—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across Los Angeles River, in the County of Los Angeles, and to levy a tax to pay the cost of the same.

Read third time and passed.

Mr. McCarthy submitted a report as follows :

SENATE CHAMBER.

SACRAMENTO, April 1st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 483—An Act to confirm Resolutions Numbers Three Thousand Eight Hundred and Sixty-eight and Three Thousand Nine Hundred and Ninety-two (new series) of the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 522—An Act providing for the removal of the remains of deceased persons interred in California street, west of Lyon street, in the City and County of San Francisco, and for the grading of California street, between Lyon street and First Avenue, in said city and county.

Also, Senate Concurrent Resolution No. 62—Authorizing the Enrolling Clerk of the Senate to correct a clerical error in Senate Bill No. 383.

Also, Senate Bill No. 326—An Act to amend an Act entitled an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Also, Senate Bill No. 611—An Act to pay the claim of George W. Whitlock.

And on this first day of April, eighteen hundred and seventy-six, at eight o'clock and forty-five minutes p. m., presented the same to his Excellency the Governor for his approval

MCCARTHY, Chairman.

SPECIAL FILE RESUMED.

Assembly Bill No. 668—An Act in relation to certain street improvements in the City and County of San Francisco.



Indefinitely postponed.

Assembly Bill No. 770—An Act to authorize the Prosecuting Attorney of the Police Judge's Court of the City and County of San Francisco to appoint a clerk.

Read third time and passed.

Senate Bill No. 635—An Act to facilitate the business in the office of the Auditor of the City and County of San Francisco.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 614—An Act authorizing and providing for the building of a roadway along Sixth street, from Townsend street to Tennessee street, and for the construction of a draw-bridge across Channel street, at its intersection with said Sixth street, in the City and County of San Francisco.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 478—An Act prescribing the manner of counting the moneys in the hands of the County Treasurer of the County of Sacramento.

Read third time and passed.

Assembly Bill No. 137—An Act to protect fish in the County of Del Norte.

Laid on the table.

Senate Bill No. 621—An Act to regulate the recording of mining locations in Calaveras County.

Rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 581—An Act in relation to Swamp Land Districts Numbers Two Hundred and Two, Two Hundred and Four, Two Hundred and Forty-six, and Two Hundred and Forty-seven.

Passed to head of the file.

Senate Bill No. 438—An Act to increase the value of land in the City and County of San Francisco, by bringing it into convenient access with a supply of fresh water.

Laid on the table.

Senate Bill No. 528 passed on file.

Senate Bill No. 600—An Act to provide for the improvement of the navigation of Sonoma Creek.

Laid on the table.

Assembly Bill No. 565—An Act amendatory of and supplementary to an Act entitled an Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo, approved March twenty-ninth, eighteen hundred and seventy.

Read third time and passed.

Assembly Bill No. 581—An Act to require the City Assessor and City Tax Collector of the City of Sacramento to perform certain duties in collecting the revenue of said city.

Laid on the table.

Assembly Bill No. 766—An Act concerning the Auditor of the City of Sacramento; and

Assembly Bill No. 768—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two;

Each read third time and passed.

Assembly Bill No. 748—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco; and

Assembly Bill No. 427—An Act to amend an Act entitled an Act to organize and regulate the Justices' Courts of the City and County of San Francisco;

Each laid on the table.

Assembly Bill No. 371—An Act for the relief of Michael Purcell.

Amendment concurred in.

Read third time and passed.

Assembly Bill No. 710—An Act to enable the Board of Trustees of the City of Healdsburg to subscribe money to aid in building a seminary or college in said city.

Read third time and passed.

Assembly Bill No. 594—An Act to authorize the Brooklyn Land and Building Company to subscribe for stock in other corporations.

Indefinitely postponed.

Assembly Bill No. 646—An Act to further define the duties of the several elective officers of the City and County of San Francisco.

Laid on the table.

Assembly Bill No. 334—An Act to amend section four hundred and ninety-eight of the Civil Code, relative to railroad corporations.

Read third time and passed.

Mr. Tuttle submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, April 1st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 134—An Act to provide for the appointment of a Commission of Transportation, and prevent extortion and discrimination in fares and freights on railroads within the State—and on this day, at nine o'clock and twenty minutes p. m., presented the same to his Excellency the Governor for his approval.

TUTTLE, for Committee.

Assembly Bill No. 679—An Act to provide for the payment of certain claims of Frederick Victor;

Assembly Bill No. 333—An Act to amend section four hundred and seventy-one of the Civil Code, relative to railroad corporations;

Assembly Bill No. 598—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco; and

Assembly Bill No. 763—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof;

Each read third time and passed.

Assembly Bill No. 191—An Act for the relief of William Ford, of Mendocino County;

Senate Bill No. 525—An Act to provide for the Boys' and Girls' Aid Society of the City and County of San Francisco;

Assembly Bill No. 89—An Act entitled an Act to create a system of irrigation in the County of Los Angeles;

Assembly Bill No. 644—An Act to amend an Act supplemental to and amendatory of an Act entitled an Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein mentioned, approved April second, eighteen hundred and sixty-six, approved March thirtieth, eighteen hundred and seventy-two; and

Assembly Bill No. 642—An Act to provide for the government of the public schools of the City of Sacramento;

Each laid on the table.

Assembly Bill No. 783 passed on file.

Assembly Bill No. 590—An Act to amend an Act entitled an Act to extend the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and sixty-four;

Assembly Bill No. 773—An Act to provide for paying school funds into the treasury of Sacramento City;

Assembly Bill No. 686—An Act to authorize Quincy School District to issue bonds for building purposes;

Assembly Bill No. 802—An Act to change the name of a town in the County of Los Angeles; and

Assembly Bill No. 806—An Act supplemental to an Act concerning public roads in Lassen County;

Each read third time and passed.

At nine o'clock and thirty-five minutes p. m. Mr. Farley moved to adjourn.

Lost.

Mr. Tuttle submitted a report as follows:

SENATE CHAMBER.

SACRAMENTO, April 1st, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Concurrent Resolution No. 61—Authorizing the Enrolling Clerk to correct a clerical error in Senate Bill No. 355.

Also, Senate Bill No. 636—An Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature at its twentieth session, and agreed to by the Legislature at its twenty-first session, to the people, at the general election in the year eighteen hundred and seventy-seven, and to provide for carrying said amendments into effect if approved and ratified by the people.

Also, substitute for Senate Bill No. 358—An Act to amend section six hundred and ninety of the Code of Civil Procedure.

Also, Senate Bill No. 234—An Act to provide for the recovering of double taxation on outside lands of the City and County of San Francisco.

Also, Senate Bill No. 653—An Act to amend section seven hundred and sixty-four of the Code of Civil Procedure.

And on this first day of April, eighteen hundred and seventy-six, at nine o'clock p. m., presented the same to his Excellency the Governor for his approval.

TUTTLE, for Committee.

#### SPECIAL FILE RESUMED.

Assembly Bill No. 759—An Act to confirm Order Number One Thousand Two Hundred and Sixty-nine of the Board of Supervisors of the City and County of San Francisco.

Mr. Howe moved to indefinitely postpone the bill.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Farley, Gibbons, Hill, Howe, Laine, Lindsey, Martin, McTune, Numan, O'Connor, Roach, Rogers, Satterwhite, Timm, Turner, and Tuttle—22.

NOES—Messrs. Craig, Edgerton, Evans, Flint, Fraser, Graves, Haymond, Hilborn, Hopkins, Lewis, McCarthy, McCoppin, McGarvey, Montgomery, Pierson, Shirley, and Spencer—17.

Senate Bill No. 649—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof.

Rules suspended, considered engrossed, read third time, and passed.

Assembly Bill No. 651—An Act to encourage the propagation of fish in Lake Elinor, Tuolumne County.

Laid on the table.

Assembly Bill No. 804—An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provision



for any deficiency in the Street Department Fund for the fiscal year eighteen hundred and seventy-five-six.

Amendment concurred in.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Pierson submitted a report as follows:

MR. PRESIDENT: Your Committee of Free Conference, appointed to confer with a like committee of the Assembly upon Senate amendments to Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco—beg leave to report that before being clothed with the powers of a Free Conference Committee they met with the committee on the part of the Assembly, and conferred upon the differences between the two Houses upon the amendments adopted by the Senate. At that meeting it was agreed that the committees should request their respective Houses to invest them with the powers of a Committee of Free Conference, and it was understood that upon receiving those powers the two committees should report a substitute for Assembly Bill No. 292, embodying, in the main, these two propositions, viz:

*First*—The price of gas not to exceed three dollars and fifty cents; and

*Second*—Providing that gas should be furnished of an illuminating power *not less than fifteen standard sperm candles, consuming one hundred and twenty grains of sperm each per hour.*

In accordance with this agreement, each committee was invested with the powers of a Free Conference Committee, but before meeting as such the Chairman of the Senate committee was waited on by the Chairman of the Assembly committee, and informed by him that no meeting of the Conference Committee would be of any avail, as the Assembly committee had unanimously agreed, and that, too, after consultation with the Assembly delegation from San Francisco, that they would not recommend to the Assembly to concur with any of the Senate amendments, but would insist upon the passage of the bill as it left the Assembly, viz: three dollars per thousand feet, and the power of the Board of Supervisors to fix any standard of illuminating power their caprice might dictate, but not less than *sixteen candles.*

Deprecating the determination of the Assembly committee, your committee, notwithstanding, prepared the annexed substitute and submitted it to the Assembly committee, but in reply received the annexed answer, refusing to accede to the substitute or to accede to anything but the Assembly Bill No. 292, "pure and simple."

This conclusion to our labors results in this: the Senate is called upon to accept the Assembly bill reducing the price of gas seventy-five cents per thousand feet, or twenty per cent. of the present price, a simply ruinous reduction to the manufacturer, and, considering the price of coal and labor, a lower price than that prevailing in the United States, and further permitting the Board of Supervisors to fix any standard of illuminating power it pleases, but not less than sixteen candles, a higher illuminating power than is prescribed by any law your committee can discover; or the Senate must adhere to its amendments.

We recommend that the Senate refuse to recede from its amendments.

PIERSON,  
LEWIS,  
McCARTHY.

#### ASSEMBLY BILL No. 292.

*An Act to regulate the quality and price of gas in the City and County of San Francisco.*

SECTION 1. The quality and standard illuminating power of gas to be furnished by any person, company, or corporation, whose pipes or mains are, or shall be, laid down in the streets or highways of the City and County of San Francisco for the purpose of supplying gas for the use of said city and county, and the inhabitants thereof, shall not be less than fifteen-candle power, or such that five cubic feet of gas per hour so furnished shall give light at least equal to that afforded by the combustion of fifteen standard sperm candles, consuming one hundred and twenty grains of sperm each per hour, the burner to be used to be that best adapted to the economical consumption of the gas. The rate and price of gas so furnished shall not be more than three dollars and fifty cents per thousand cubic feet.

SEC. 2. It shall be the duty of the Mayor, Auditor, and Treasurer of the City and County of San Francisco, and they are hereby required, immediately upon the passage of this Act, to appoint, with the approval of the Board of Supervisors of said city and county, a person of competent experience and knowledge of and concerning the proper qualities of gas, who shall not be interested in or connected with any gas company or corporation in said city and county, or in anywise interested in the stock of any such company or corporation, who shall be known and designated as Gas Inspector of the city and county, who shall hold his office for a term of two years, or until his successor is appointed and qualified. The person so appointed shall, before he enters upon the duties of said office, take and subscribe an oath or affirmation before the County Judge of said city and county, and file the same in the office of the Clerk of said Board, that he will faithfully and impartially perform all the duties required by this Act in that behalf as Gas Inspector of the City and County of San Francisco, and shall at the same time make and file in said office, a bond to the City and County of San Francisco in the sum of ten thousand dollars, with sureties to be approved by said Board, conditioned for the faithful performance of the duties of said office. Said officer shall be entitled to a compensation and salary to be fixed



and allowed by said Board, sufficient to remunerate him for the duties performed by him as such Gas Inspector, and which amount shall be paid out of the General Fund of said city and county.

SEC. 3. It shall be the duty of such Inspector, immediately upon his appointment and qualification as such officer as aforesaid, to make a careful examination and inspection of the quality and illuminating power of gas furnished to said city and county and inhabitants thereof, for illuminating purposes, and also obtain accurate and reliable information with respect to the quality and illuminating power of gas furnished in the principal cities of the United States, and the prices charged therefor, and also the comparative cost of the manufacture and supply of gas in other cities of the United States with the cost of manufacture and supply of the same in the City and County of San Francisco, and report fully the result of such inspection, examination, and information, to said Board within six months after his appointment.

SEC. 4. It shall be the duty of such Inspector to examine and inspect, from time to time, as often as once every week, with notice to the person, company, or corporation furnishing the gas, the quality and illuminating power of gas furnished to said city and county and the inhabitants thereof, and in case the same shall at any time fall below the standard hereby fixed, then to report the same to said Board.

SEC. 5. It shall be unlawful for any person, company, or corporation to furnish to said city and county, or any inhabitant thereof, gas for illuminating purposes of a lower standard or quality, or a higher price, than as provided by this Act, and for every violation of the provisions of this Act, or the provisions of any order, resolution, or ordinance of said Board made in pursuance thereof, every such person, company, or corporation shall be deemed guilty of a public offense and subject to indictment, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars for each offense in that behalf, which fines shall be paid into the treasury of said city and county.

ASSEMBLY CHAMBER,

SACRAMENTO, April 1st, 1876. }

*Hon. W. H. Pierson, State Senate:*

DEAR SIR: We have considered your proposed substitute for Assembly Bill No. 292, and are unable, after mature deliberation, to accommodate its terms with our conception of the public demand, which we believe is answered in Assembly Bill No. 292 as it left the House. In our judgment, that bill is not only responsive to the public demand, but just to the furnishers of gas, who affect to be discriminated against unjustly.

We are convinced that a bill which will satisfy the gas companies will not answer the just expectations of the people, but, on the contrary, aggravate the rigors of their present situation; and that rather than have delusive legislation, the people will prefer to wait until they can obtain what they have so long vainly sought in this regard.

Very respectfully,

J. V. COFFEE,  
J. C. MURPHY,  
M. McCARTHY.

Mr. Pierson moved the adoption of the report and that the Senate adhere to its amendments to the bill.

On which the ayes and noes were demanded by Messrs. Nunan, Donovan, and Roach, and it was so decided, by a vote as follows:

AYES—MESSRS. Beazell, Craig, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hilborn, Hall, Hopkins, Lewis, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Pierson, Rogers, Satterwhite, Shirley, Spencer, and Turner—25.

NOES—MESSRS. Angney, Bartlett, Bush, Donovan, Howe, Laine, Lindsey, Martin, Nunan, O'Connor, Pierson, Tinnin, and Tuttle—13.

On motion of Mr. McGarvey, the rules were suspended, and Senate Bill No. 180—An Act to amend section eight hundred and one of the Code of Civil Procedure—was taken up.

Substitute adopted.

Considered engrossed, read third time, and passed.

Mr. Tuttle moved to suspend the rules, to take up Assembly Bill No. 652—An Act making appropriations for benevolent purposes—now in the hands of the Committee on Finance.

At ten o'clock and twenty-five minutes P. M. Mr. O'Connor moved to adjourn.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Bush, Hill, Laine, Lindsey, McCune, O'Connor, Satterwhite, and Tinnin—10.

NOES—Messrs. Beazell, Craig, Donovan, Eakin, Edgerton, Evans, Flint, Fraser, Gibbons, Graves, Haymond, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Nunan, Pierson, Rogers, Spencer, Turner, and Tuttle—26.

Mr. O'Connor moved to lay the motion of Mr. Tuttle on the table.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bush, Gibbons, Hill, Laine, Lindsey, McCune, O'Connor, and Tinnin—9.

NOES—Messrs. Beazell, Craig, Donovan, Eakin, Edgerton, Evans, Flint, Fraser, Graves, Haymond, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Nunan, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Turner, and Tuttle—28.

Mr. Nunan moved the previous question.

Upon the question, "Shall the main question be now put?" it was decided in the affirmative, and the demand for the previous question sustained.

At ten o'clock and thirty-five minutes p. m. Mr. Tinnin moved to adjourn.

On which the ayes and noes were demanded by Messrs. Tinnin, Haymond, and McCune, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Gibbons, Hill, Laine, Lindsey, McCune, Montgomery, O'Connor, Satterwhite, Spencer, and Tinnin—14.

NOES—Messrs. Craig, Donovan, Eakin, Edgerton, Evans, Flint, Fraser, Graves, Haymond, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Nunan, Pierson, Roach, Rogers, Shirley, Turner, and Tuttle—24.

Under the operation of the previous question, the main question was now put, being the motion of Mr. Tuttle to take up Assembly Bill No. 652, now in the hands of the Committee on Finance.

On which the ayes and noes were demanded by the requisite number, and it prevailed, by a vote as follows:

AYES—Messrs. Craig, Donovan, Eakin, Edgerton, Evans, Flint, Fraser, Graves, Haymond, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McGarvey, Montgomery, Nunan, Pierson, Roach, Rogers, Shirley, Turner, and Tuttle—25.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Gibbons, Hill, Laine, Lindsey, McCune, O'Connor, Spencer, and Tinnin—12.

Mr. Angney, Chairman of the Committee on Finance, verbally reported Assembly Bill No. 652—An Act making appropriations for benevolent purposes—without recommendation.

At ten o'clock and forty minutes p. m. Mr. Tinnin moved to adjourn.

On which the ayes and noes were demanded by Messrs. Turner, Lindsey, and McCune, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Gibbons, Hill, Laine, Lindsey, McCune, Montgomery, O'Connor, Spencer, and Tinnin—13.

NOES—Messrs. Craig, Donovan, Eakin, Edgerton, Evans, Flint, Fraser, Graves, Haymond, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McGarvey, Nunan, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Turner, and Tuttle—24.

Assembly Bill No. 652 being before the Senate, Mr. Edgerton moved to make the bill the special order for Monday next, at ten o'clock and thirty minutes a. m.

Agreed to.

## ASSEMBLY MESSAGES.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, )  
SACRAMENTO, April 1st, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 558—An Act to provide for the payment of certain coupons.

Also, Senate Bill No. 634—An Act to add a new section to the Code of Civil Procedure.

Also, Senate Bill No. 234—An Act to provide for the recovery of double taxation on outside lands of the City and County of San Francisco.

Also, that the Assembly adopted the joint report of the Senate and Assembly State Prison and Prison Buildings Committee.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, April 1st, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Assembly Bill No. 538—An Act to amend section three thousand four hundred and fifty-nine of the Political Code.

Also, on March thirty-first, passed Senate Bill No. 490—An Act granting further powers on the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof.

Also, on this date, passed, under a suspension of the rules, Senate Bill No. 515—An Act to amend section two thousand five hundred and twenty-five of the Political Code.

Also, Assembly Bill No. 810—An Act to provide for the payment of certain claims for labor upon and materials furnished the Branch State Prison.

Also, Assembly Bill No. 551—An Act to amend section eight hundred and thirty-five of the Code of Civil Procedure.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, )  
SACRAMENTO, April 1st, 1876. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 626—An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams.

Also, passed Senate Bill No. 294—An Act to add a section to the Political Code.

Also, Senate Bill No. 646—An Act making appropriations for deficiencies in appropriations for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Also, Senate Bill No. 306—An Act for the relief of R. M. Wilson.

Also, amended and passed Senate Bill No. 480—An Act concerning the office of Collector of Licenses for the City and County of San Francisco.

Also, refused to pass Senate Bill No. 424—An Act in relation to the State Burying-ground.

Also, Assembly Bill No. 814—An Act for the improvement of the streets and sidewalks in the City of Placerville.

O'NEIL, Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 810, above reported, read first and second times, and, by general consent, read third time, and passed.

Assembly Bill No. 551, above reported, read first and second times and ordered on the file.

Assembly Bill No. 538, above reported, read first and second times.

Mr. Pierson moved to refer the bill to the Committee on Swamp and Overflowed Lands.

Mr. McCune moved to lay the bill on the table.

The motion of Mr. McCune prevailed, and the bill was laid on the table.

At eleven o'clock and twenty minutes P. M. Mr. Lewis moved to adjourn.

Lost.

Senate Bills Nos. 515, 480, and 294, above reported, Assembly amendments to each of the bills were concurred in.

## ADJOURNMENT.

At eleven o'clock and twenty-five minutes P. M., on motion of Mr. Lewis, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Monday, April 3d, 1876. }

Senate met pursuant to adjournment.

President in the chair.

Roll called, and a quorum present.

The special order set for this hour was temporarily postponed.

By general consent the reading of the journal of Saturday last was dispensed with, and the same approved.

Mr. Haymond offered a resolution as follows:

*Be it resolved by the Senate of the State of California,* That a committee of five Senators be appointed, with power to sit at any time or place within the State, and that said committee shall make inquiry:

*First*—As to the number of Chinese in this State, and the effect their presence has upon the social and political condition of the State.

*Second*—As to the probable result of Chinese immigration upon the country, if such immigration be not discouraged.

*Third*—As to the means of exclusion, if such committee should be of the opinion that the presence of the Chinese element in our midst is detrimental to the interests of the country.

*Fourth*—As to such other matters as, in the judgment of the committee, have a bearing upon the question of Chinese immigration.

*And be it further resolved,* That said committee, on or before the first day of December, eighteen hundred and seventy-six, shall prepare a memorial to the Congress of the United States, which memorial must set out at length the facts in relation to the subject of this inquiry, and such conclusions as the committee may have arrived at as to the policy and means of excluding Chinese from the country.

*And be it further resolved,* That said committee is authorized and directed to have printed, at the State Printing Office, a sufficient number of copies of such memorial, and of the testimony taken by said committee, to furnish copies thereof to the leading newspapers of the United States, five copies to each member of Congress, ten copies to the Governor of each State, and to deposit two thousand copies with the Secretary of State of California for general distribution.

*And be it further resolved,* That such committee shall, on or before the first Monday in December, eighteen hundred and seventy-six, furnish to the Governor of the State of California two copies of said memorial, properly engrossed, and that the Governor, upon receipt thereof, be requested to transmit, through the proper channels, one of said copies to the Senate, and the other to the House of Representatives of the United States.

*And be it further resolved,* That said committee have full power to send for persons and papers, and administer oaths, and examine witnesses under oath, and that a majority of said committee shall constitute a quorum.

*And be it further resolved,* That said committee shall have power to employ a Sergeant-at-Arms, at a compensation not to exceed two hundred and fifty dollars, and a Phonographic Reporter, at a compensation not to exceed one thousand dollars, and that two thousand dollars of the Contingent Fund of the Senate be set aside, out of which such compensation and the contingent and traveling expenses of the committee shall be paid upon the order of the Chairman thereof.

*And be it further resolved,* That said committee report to the Senate, at its next session, the proceedings had hereunder.

Adopted.

On motion of Mr. Eakin, the rules were suspended, to take up Senate Bill No. 426 for consideration.

Senate Bill No. 426—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a new section thereto.



Substitute adopted in Committee of the Whole concurred in.  
 Considered engrossed, read third time, and passed.  
 Mr. Rogers submitted a report as follows:

MR. PRESIDENT: The Committee on Contingent Expenses have evidence that the entire Senate journal to date is in print and ready for binding, in accordance with the resolution providing for supplying copy of the journal to the printer, passed on December eighteenth, or twelve days after the session commenced; also, that it will require two or three days to properly prepare or copy the last days proceedings for the printer. To provide payment for this work in full, we recommend the adoption of the following resolution.

GEO. H. ROGERS, Chairman.

The resolution was taken up, under a suspension of the rules.

*Resolved*, That for furnishing copy of the Senate journal to the printer from December sixth to the eighteenth, and for preparing the last days' proceedings, properly prepared and authenticated, the Minute Clerk be allowed per diem for twelve days, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

Mr. Donovan offered a resolution as follows:

*Resolved by the Senate, the Assembly concurring*, That the Enrolling Clerk of the Senate be and he is hereby directed to renumber the sections of Senate Bill No. 353, so that the same shall read consecutively.

Adopted.

Mr. Turner, by leave, introduced a bill as follows: An Act to provide for the management and sale of the sixteenth and thirty-sixth sections, and lands in lieu thereof.

Read first and second times, rules suspended, and the bill taken up for consideration.

Mr. Turner moved to further suspend the rules to consider the bill engrossed.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Edgerton, Flint, Fraser, Gibbons, Haymond, Hendricks, Hilborn, Hill, Howe, Laine, Lindsey, Martin, McCoppin, McCune, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, and Tuttle—31.

NOES—Messrs. Craig, Lewis, and McGarvey—3.

By general consent, read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lewis, McGarvey, and Craig, and it passed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Donovan, Eakin, Edgerton, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Howe, Laine, Lindsey, Martin, McCoppin, McCune, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—33.

NOES—Messrs. Craig, Evans, Lewis, and McGarvey—4.

The bill was ordered to the Assembly without engrossment.

Mr. Martin offered a resolution as follows:

*Resolved*, That David D. Maddox, the Mail Carrier of the Senate, be allowed the sum of one dollar per day extra, from December twenty-eighth, eighteen hundred and seventy-five, and that the same be allowed out of the Contingent Expense Fund of the Senate.

Referred to the Committee on Contingent Expenses.

Mr. Howe, by leave, introduced a bill as follows: An Act to confer additional powers on the Board of Supervisors of San Francisco, and upon the Auditor and Treasurer thereof.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time and passed.

Mr. Donovan offered a resolution as follows:

*Resolved*, That the Clerk of the Building Committee be allowed his salary, at the rate of five dollars per day, from February nineteenth to the end of the session, and that the same be paid out of the fund for defraying the contingent expenses of the Senate.

Adopted.

Mr. Roach submitted a report as follows:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 798—To confer additional powers on the Board of Supervisors of the City and County of San Francisco—have considered the same, and recommend its passage.

ROACH, Chairman.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, adopted Assembly Concurrent Resolution No. 60—Relative to requesting the Governor to return Assembly Bill No. 567, to correct an error.

Also, Assembly Concurrent Resolution No. 61—Relative to requesting the Governor to return Assembly Bill No. 526.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under a suspension of the rules, Senate Concurrent Resolution No. 66—To renumber sections of Senate Bill No. 134.

Also, Senate Concurrent Resolution No. 65—To renumber sections of Senate Bill No. 355.

Also, Senate Bill No. 635—An Act to facilitate the transaction of business in the office of the Auditor of the City and County of San Francisco.

Also, Assembly Bill No. 621—An Act to regulate the recording of mining locations in Calaveras County.

CAYLET, Assistant Clerk.

ASSEMBLY CHAMBER, }  
SACRAMENTO, April 1st, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, receded from its former action and concurred in Senate amendments, marked one and two, to Assembly Bill No. 517.

Also, to transmit to your honorable body the report of the Committee of Free Conference, appointed on the part of the Assembly to consider Senate amendments to Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco.

O'NEIL, Assistant Clerk.

SACRAMENTO, April 1st, 1876.

MR. SPEAKER: Your Committee of Conference, acting jointly with the Senate committee as a free conference on Assembly Bill No. 292—An Act to regulate the price and quality of gas in the City and County of San Francisco—respectfully report that they have been unable to agree with the Senate committee, and we, therefore, recommend that the Assembly adhere to its former action.

J. V. COFFEY, for Committee.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 814, above reported, read first and second times, rules suspended, and, by general consent, read third time and passed.

Assembly Concurrent Resolution No. 61, above reported, concurred in.

Assembly Concurrent Resolution No. 60, above reported.

On concurring in the resolution, the ayes and noes were demanded by Messrs. Bartlett, Pierson, and Lewis, and it was concurred in, by a vote as follows:

AYES—Messrs. Beazell, Craig, Eakin, Farley, Gibbons, Graves, Hendricks, Howe, Lewis, Martin, McCoppin, McGarvey, Montgomery, Nunan, Pierson, Roach, Rogers, Satterwhite, Shirley, and Tinnin—20.

NOES—Messrs. Agney, Bartlett, Bush, Edgerton, Evans, Flint, Fraser, Haymond, Hilborn, Hill, Hopkins, Laine, Lindsey, McCune, O'Connor, Spencer, Turner, and Tuttle—18.

Mr. Tuttle, by leave, offered the following resolution:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of W. L. McEwen for forty dollars, payable out of the Contingent Fund of the Senate, for clerical services rendered the Finance Committee.

Adopted.

Also:

*Resolved*, That Senators Laine, O'Connor, and Hill be and they are hereby appointed a select committee, to whom all bills, resolutions, and other matters introduced this evening, shall be referred without reading; and that no matter be read or considered unless recommended by said committee.

Adopted.

By Mr. Lewis:

*Resolved*, That the Postmaster of the Senate be and is hereby authorized and directed to remain at the Capitol for one week after the adjournment of the Legislature, and to take charge of all mail matter mailed to any Senator, and forward the same to the residence of the Senators, and the Controller is hereby directed to issue and draw a warrant upon the State Treasurer for the sum of thirty dollars for such service.

Adopted.

Mr. Rogers, Chairman of the Committee on Contingent Expenses, submitted the following statements:

#### SESSION OF 1871-2.

*Statement of the amount of stationery furnished the members of the Legislature, committees, Sergeant-at-Arms, secretaries, clerks, and other attaches, from the opening of the session to and including the 31st day of March, A. D. 1872:*

To members of the Senate, clerks, committees, etc.....	\$7,243 96
To members of the Assembly, clerks, committees, etc.....	9,537 71
	<hr/> \$16,781 67

#### SESSION OF 1873-4.

*Statement of the amount of stationery furnished the members of the Legislature, committees, Sergeant-at-Arms, secretaries, clerks, and other attaches, from the opening of the session to and including the 31st day of March, A. D. 1874:*

To members of the Senate.....	\$1,450 34
To committees, clerks, etc.....	2,415 21
	<hr/> \$3,865 55
To members of the Assembly.....	\$2,263 58
To committees, clerks, etc.....	2,848 49
	<hr/> \$5,112 07
	<hr/> \$8,977 62
To the reporters, both Houses.....	530 07
	<hr/> \$9,507 69

## SESSION OF 1875-6.

*Statement of the amount of stationery furnished the members of the Legislature, committees, Sergeant-at-Arms, secretaries, clerks, and other attachés, from the opening of the session to and including the 31st day of March, A. D. 1876:*

To members of the Senate-----	\$806 97	
To committees, clerks, etc.-----	1,797 79	\$2,604 76
		<hr/>
To members of the Assembly-----	\$1,452 74	
To committees, clerks, etc.-----	1,681 02	\$3,133 76
		<hr/>
		\$5,738 52
To reporters, both Houses-----		91 80
		<hr/>
		\$5,830 32

## RECAPITULATION.

Session 1871-2-----	\$16,781 67
Session 1873-4-----	9,507 69
Session 1875-6-----	5,830 32

It will be seen from the foregoing figures that the amount of stationery used by the present Legislature is three thousand six hundred and seventy-seven dollars and thirty-seven cents less than the last session of eighteen hundred and seventy-three-four, and ten thousand nine hundred and fifty-one dollars and thirty-five cents less than that of the session of eighteen hundred and seventy-one-two.

Mr. Haymond, by leave, introduced a bill as follows: An Act to appropriate money for the support of the government of the State.

Read first and second times, rules suspended, and the bill taken up.

Reported from Committee of the Whole without recommendation.

Mr. Haymond offered an amendment, as follows: Amend section one by adding to it the following: "For the completion of the Branch State Prison, one hundred and sixty thousand dollars, to be expended in the discretion of the State Prison Directors; but said Directors must not expend the unexpended balance of the appropriation for the twenty-sixth and twenty-seventh fiscal years, made for the same purpose."

On adopting the amendment, the ayes and noes were demanded by Messrs. Haymond, Fraser, and Tinnin, and the Senate refused, by a vote as follows:

AYES—Messrs. Craig, Donovan, Eakin, Edgerton, Fraser, Graves, Haymond, Hendricks, Hilborn, Hopkins, Lewis, Martin, Nunan, Roach, and Tinnin—15.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Evans, Gibbons, Hill, Howe, Laine, Lindsey, McCarthy, McCune, Montgomery, O'Connor, Pierson, Rogers, Satterwhite, Shirley, Spencer, Turner, and Tuttle—21.

Rules further suspended, considered engrossed, read third time, passed, and ordered to Assembly without engrossment.

Mr. Tuttle submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 480—An Act concerning the office of Collector of Licenses for the City and County of San Francisco.

Also, Senate Concurrent Resolution No. 60—Relative to presenting certain reports to officers of the Colonial Governments of Victoria and New South Wales.

Also, Senate Bill No. 626—An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams.

Also, Senate Bill No. 558—An Act to provide for the payment of certain coupons.

Also, Senate Bill No. 599—An Act to amend certain sections, to repeal certain sections, and to add new sections to the Political Code, relative to the State Printer.



Also, Senate Bill No. 580—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 294—An Act to add a section to the Political Code.

Also, Senate Bill No. 474—An Act to authorize the Board of Education of the City and County of San Francisco to provide for the support of the common schools of said city and county.

Also, substitute for Senate Bill No. 156—Proposed amendments to the Constitution.

Also, Senate Bill No. 515—An Act to amend section two thousand five hundred and twenty-five of the Political Code.

Also, Senate Bill No. 643—An Act making appropriations for deficiencies in appropriations for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Also, substitute for Senate Bill No. 306—An Act for the relief of R. M. Wilson.

And on this third day of April, eighteen hundred and seventy-six, at eleven o'clock and thirty minutes P. M., presented the same to his Excellency the Governor for his approval.

TUTTLE, for Committee.

### Mr. Angney submitted a report as follows:

MR. PRESIDENT: The Finance Committee return Senate Bill No. 655—An Act making appropriation for deficiencies in the twenty-sixth and twenty-seventh fiscal years for the University of California—without any recommendation in relation thereto.

Also, Assembly Bill No. 716—An Act making appropriation for deficiency in the Stationery, Lights, and Fuel Fund for the twenty-seventh fiscal year—and have amended the same, and recommend its passage as amended.

ANGNEY, Chairman.

Subsequently the rules were suspended, and Assembly Bill No. 716 taken up.

Amendments adopted in Committee of the Whole concurred in.

Read third time and passed.

Title amended.

Mr. Montgomery offered a resolution as follows:

*Resolved*, That the Senate resolution adopted March fourteenth, eighteen hundred and seventy-six, allowing J. M. Montgomery the sum of five hundred dollars counsel fees is hereby rescinded; and the Controller of State is hereby instructed to cancel his warrant issued for said five hundred dollars.

Adopted.

On motion of Mr. Edgerton, the rules were suspended, and Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code—taken up.

On concurring in an Assembly amendment to the bill, the ayes and noes were demanded by the requisite number, and it was concurred in, by a vote as follows:

AYES—MESSRS. Beazell, Bush, Donovan, Edgerton, Evans, Flint, Fraser, Graves, Haymond, Lewis, Martin, McCarthy, Nunan, Pierson, Roach, Rogers, Satterwhite, Spencer, and Tinnin—19.

NOES—MESSRS. Angney, Bartlett, Gibbons, Hilborn, Hill, Hopkins, Howe, Laine, Lindsey, McCune, McGarvey, Montgomery, O'Connor, and Tuttle—14.

### SPECIAL ORDER.

The special order for ten o'clock A. M., being Assembly Bill No. 652—An Act making appropriations for benevolent purposes—was taken up.

Amendments adopted in Committee of the Whole concurred in.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Haymond, the hour of recess was temporarily postponed.

Section one of the bill was amended, on motion of Mr. Angney.

Mr. Laine offered the following amendment: Amend by striking

out, after the words "San José Ladies' Benevolent Society," the word "one," and inserting the word "three."

On adopting the amendment, the ayes and noes were demanded by Messrs. Laine, Angney, and McCune, and the Senate refused, by a vote as follows:

AYES—Messrs. Angney, Bush, Craig, Farley, Gibbons, Graves, Haymond, Hill, Hopkins, Laine, Lindsey, McCune, Montgomery, Nunan, O'Connor, Spencer, Tinnin, and Tuttle—18.

NOES—Messrs. Bartlett, Beazell, Donovan, Eakin, Edgerton, Evans, Flint, Fraser, Hendricks, Hilborn, Lewis, Martin, McCarthy, McCoppin, McGarvey, Pierson, Roach, Rogers, Satterwhite, Shirley, and Turner—21.

Mr. Lewis moved the previous question.

Upon the question, "Shall the question be now put?" it was decided in the affirmative, and the demand for the previous question sustained.

The question being on the third reading of the bill, it was read a third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Evans, Lindsey, and Fraser, and it passed, by a vote as follows:

AYES—Messrs. Beazell, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Frazer, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Turner, and Tuttle—29.

NOES—Messrs. Angney, Bartlett, Bush, Gibbons, Graves, Hill, Laine, Lindsey, O'Connor, and Tinnin—10.

#### RECESS.

At twelve o'clock and forty-five minutes P. M., on motion of Mr. Edgerton, the Senate took a recess until two o'clock P. M.

#### RE-ASSEMBLED.

At two o'clock P. M. the Senate re-assembled.

President in the chair.

Roll called, and a quorum present.

#### GENERAL FILE.

Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-six.

Amendments concurred in.

Read third time and passed.

Mr. Tuttle submitted a report as follows:

SENATE CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 355—An Act to open and establish a public street in the City and County of San Francisco, to be called Seventh street, to take private lands therefor, and to grade, macadamize, and improve a portion of Seventh street—and on this third day of April, eighteen hundred and seventy-six, at one o'clock and thirty minutes P. M., presented the same to his Excellency the Governor for his approval.

TUTTLE, for Committee.

Mr. Montgomery moved to suspend the rules, to take up Assembly Concurrent Resolution No. 57 from the general file.

On which the ayes and noes were demanded by Messrs. Lindsey, Lewis, and Montgomery, and the Senate refused, two-thirds failing to vote in the affirmative:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Eakin, Edgerton, Flint, Fraser, Hendricks, Hill, Howe, Laine, Lindsey, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, Rogers, Spencer, Tinnin, and Tuttle—23.

NOES—Messrs. Craig, Evans, Farley, Hilborn, Hopkins, Lewis, McCarthy, McCoppin, Pierson, Satterwhite, Shirley, and Turner—12.

Mr. Rogers, Chairman of the Committee on Contingent Expenses, submitted the following statements:

CONTINGENT EXPENSES OF THE SENATE FOR MARCH AND APRIL—NINETEENTH SESSION.

Postage stamps .....	\$111 00
Assistant Minute Clerk .....	296 00
Clerk at the desk .....	296 00
Sergeant-at-Arms .....	296 00
Clerk to Judiciary Committee .....	341 00
Assistant Journal Clerk .....	436 00
Assistant Engrossing Clerks .....	3,288 00
Assistant Enrolling Clerks .....	2,376 00
Assistant Copying Clerks .....	888 00
Chaplain .....	185 00
Clerk to Committee on Agriculture .....	185 00
Clerk to San Francisco delegation .....	185 00
Clerk to Committee on Public Buildings, etc. ....	280 00
Clerk to Committee on Corporations .....	185 00
Assistant Secretary .....	185 00
Clerk to Committee on Hospitals .....	92 50
Clerk to Committee on Codes .....	92 50
Clerk to Committee on Elections .....	185 00
Door-keeper .....	268 00
Porters .....	666 00
Messengers .....	176 00
Night Watchman .....	388 00
Mail Carrier .....	156 00
Pages .....	285 00
Paper-folder .....	111 00
Furniture, etc. ....	1,321 61
Inaugural expenses .....	40 00
Clerk to Special Committee .....	146 00
Express .....	40 00
Newspapers .....	1,869 59
Copies of records .....	840 37
Funeral expenses of Judge Sprague .....	237 77
Clerk to Committee on Commerce .....	205 00
Mileage .....	1,155 90
Clerk to Committee on County Boundaries .....	285 00
Rent .....	270 00
Clerk to Committee on Federal Relations .....	115 00
Sundries .....	74 00
Clerk to Committee on Indian War Debt .....	62 50
Legal opinion .....	25 00
Expense of contested election .....	1,500 00
Reporters .....	420 00
Clerk to Committee on Education .....	100 00
Ice .....	54 00
Repairing furniture .....	232 50
Portrait of John Bigler .....	700 00
Expert .....	250 00
Arresting Senators .....	19 00
September 18th, making appendices .....	\$21,915 24
Total .....	1,957 04
Total .....	\$23,872 28

## CONTINGENT EXPENSES OF THE SENATE FOR MARCH—TWENTIETH SESSION.

Copying Journals.....	\$458 72
Clerk of Sergeant-at-Arms .....	240 00
Watchman.....	360 00
Page .....	90 00
Mail Carrier .....	120 00
Chaplain .....	150 00
Porter.....	120 00
Clerk of Judiciary Committee.....	240 00
Assistant Copying Clerks.....	720 00
Assistant Secretary .....	240 00
Clerk of Committee on Hospitals.....	56 00
Clerk of San Francisco delegation.....	150 00
Sergeant-at-Arms.....	84 00
Clerk of State Prison Committee.....	105 00
Assistant Engrossing Clerks.....	1,800 00
Clerk of Committee on Corporations.....	250 00
Assistant Journal Clerk.....	240 00
Assistant Enrolling Clerks.....	1,092 00
Mileage .....	257 50
Clerk of Committee on Counties and County Boundaries.....	150 00
Clerk of Committee on Finance.....	110 00
Clerk of Committee on Public Buildings and Grounds.....	35 00
Assistant Minute Clerk.....	160 00
Election Expenses.....	350 00
Phonographic Reporter .....	285 84
Postage.....	45 15
Furniture .....	9 50
Ice .....	55 00
Sundries.....	25 00
Total.....	\$7,998 71

## CONTINGENT EXPENSES OF THE SENATE FOR MARCH—TWENTY-FIRST SESSION.

Page .....	\$111 00
Porter .....	148 00
Watchman .....	388 00
Assistant Minute Clerk.....	222 00
Assistant Journal Clerk.....	222 00
Clerk Sergeant-at-Arms.....	222 00
Clerk Judiciary Committee.....	321 00
Door-keeper .....	148 00
Mail Carrier.....	74 00
Assistant Copying Clerks.....	1,110 00
Assistant Engrossing Clerks.....	1,110 00
Clerk San Francisco delegation.....	185 00
Clerk State Prison Committee.....	185 00
Clerk Committee on Corporations.....	185 00
Assistant Enrolling Clerks.....	1,452 00
Sergeant-at-Arms .....	74 00
Mileage .....	2,021 50
Expenses contested elections.....	1,188 75
Translating inaugural address.....	12 50
Painting.....	4 00
Ice.....	41 00
Lead weight.....	3 50
Serving summons.....	11 00
Sundries.....	13 50
Printing expert .....	240 00
Witnesses.....	174 40
Phonographic reporter.....	479 90
Copying report.....	10 00
Funeral expenses J. W. Mandeville.....	204 25
Architect State Prison Committee.....	200 00
Clerk to Committee on Finance.....	40 00
	\$10,801 30

Deduct amount authorized to be canceled by resolution April 3d, 1876 in case of Ward v. Montgomery.....	500 00
Total .....	\$10,301 30



## RECAPITULATION.

## NINETEENTH SESSION.

December .....	\$2,652 00
January .....	6,362 84
February .....	9,112 88
March .....	13,511 52
April .....	10,360 76
	<hr/>
	\$42,000 00

## TWENTIETH SESSION.

December .....	\$647 05
January .....	2,132 00
February .....	7,364 94
March .....	7,704 33
April .....	294 38
	<hr/>
	\$18,142 70

## TWENTY-FIRST SESSION.

December .....	\$426 00
January .....	4,126 69
February .....	4,176 00
March .....	10,301 30
	<hr/>
	\$19,029 99

Mr. Nunan offered the following resolution :

*Resolved*, That the sum of two hundred and fifty dollars be and the same is hereby ordered paid out of the Contingent Fund of the Senate, to P. J. O'Connor, for services as expert and architect to the Building Committee.

Referred to the Committee on Contingent Expenses.

Mr. Tinnin moved to suspend the rules, to take up Assembly Bill No. 224—An Act to repeal an Act entitled an Act to make women eligible to educational offices.

On which the ayes and noes were demanded by Messrs. Tinnin, Haymond, and McCoppin, and the Senate refused, two-thirds failing to vote in the affirmative :

AYES—Messes. Bartlett, Beazell, Bush, Donovan, Haymond, Hill, Laine, Lewis, Lindsey, McCoppin, McCune, Montgomery, Nunan, O'Connor, Satterwhite, Shirley, Tinnin, and Tuttle—18.

NOES—Messes. Eakin, Edgerton, Evans, Flint, Fraser, Hendricks, Hilborn, Hopkins, Howe, McGarvey, Pierson, Roach, Rogers, Spencer, and Turner—15.

Mr. Howe offered a resolution as follows:

*Resolved*, That the Journal Clerk be directed to remain five days after adjournment, to rule, compare, and correct the Senate journal, his per diem to be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Craig offered a resolution as follows:

*Resolved*, That the Enrolling Clerk and his assistants be and they are hereby allowed one week's pay for compensation for services rendered by them at night and out of regular office hours. The Enrolling Clerk to designate the persons who have performed such services, the said money to be paid out of the Contingent Fund of the Senate.

Mr. Tinnin, opposing the resolution, moved to amend as follows: Amend by inserting at the bottom the following words: "Also, the Assistant Journal Clerk and all Assistant Engrossing and Copying Clerks, from the date of their employment; said amount to be paid out of the Contingent Fund of the Senate."

Referred to the Committee on Contingent Expenses.

**Mr. McCoppin offered the following resolution :**

*Resolved*, That J. M. Kilgariff be and is hereby allowed the sum of two dollars per diem for services rendered as Messenger of State Printing Office, commencing February twenty-ninth and continuing until the close of the session, payable out of the appropriation for the contingent expenses of the Senate.

Referred to the Committee on Contingent Expenses.

Mr. Rogers, for the Committee on Contingent Expenses, reported the following, recommending its adoption :

*Resolved*, That three dollars and thirty-seven cents be allowed and ordered paid to the Pacific Ice Company out of the appropriation for the contingent expenses of the Senate.

Adopted.

Mr. Lewis moved to suspend the rules, to take up Assembly Bill No. 610.

Lost.

At two o'clock and thirty minutes P. M. Mr. Laine moved to adjourn until seven o'clock and thirty minutes P. M.

On which the ayes and noes were demanded by Messrs. Edgerton, Tuttle, and McCune, and the Senate refused, by a vote as follows :

AYES—Messrs. Angney, Bartlett, Bush, Gibbons, Graves, Hill, Hopkins, Laine, Lindsey, McCarthy, McCune, O'Connor, Pierson, and Spencer—14.

NOES—Messrs. Beazell, Craig, Eakin, Edgerton, Evans, Flint, Fraser, Haymond, Hendricks, Hilborn, Lewis, McCoppin, McGarvey, Montgomery, Nunan, Roach, Rogers, Satterwhite, Shirley, Tinnin, Turner, and Tuttle—22.

[Mr. Evans in the chair.]

**GOVERNOR'S MESSAGES.**

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, April 1st, 1876. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 320—An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco, passed March twenty-eighth, A. D. eighteen hundred and seventy-two.

Also, Senate Bill No. 412—An Act to provide for the issuance of bonds of the County of Kern, for the payment of the indebtedness of said county.

Also, substitute for Senate Bill No. 443—An Act to regulate fees of office and salaries of officers in the County of San Diego.

Also, Senate Bill No. 455—An Act to prevent hogs and goats running at large on certain lands in this State.

Also, Senate Bill No. 496—An Act appropriating money for building workshops and prison buildings at the California State Prison at San Quentin.

Also, substitute for Senate Bill No. 519—An Act to amend an Act to protect agriculture and to prevent the trespassing of animals in Tehama County, approved March thirtieth, eighteen hundred and seventy-four.

Also, substitute for Senate Bill No. 529—An Act supplementary to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and the Acts amendatory thereof and supplementary thereto.

Also, Senate Bill No. 627—An Act to incorporate the Town of Red Bluff, Tehama County, California.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, April 3d, 1876. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 590—An Act to facilitate the construction of a canal for the improvement of Oakland Harbor.

Also, Senate Bill No. 549—An Act to regulate the practice of medicine in the State of California.

Also, Senate Bill No. 344—An Act to authorize the City of Oakland to construct a main sewer.

Also, Senate Bill No. 622—An Act supplemental to an Act entitled an Act to protect agriculture in the County of Calaveras, approved March twenty-fourth, eighteen hundred and seventy-four.

Also, Senate Bill No. 615—An Act concerning the public records in the office of the County Recorder of San Bernardino County.

Also, Senate Bill No. 492—An Act supplementary to an Act approved March thirtieth, eighteen hundred and seventy-four, and entitled an Act to abolish the Board of City Hall Commissioners and to provide for the continuance of the construction of the City Hall of the City and County of San Francisco.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, April 3d, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 285—An Act to amend section two hundred and ninety of the Civil Code, concerning corporations.

Also, Senate Bill No. 585—An Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain county officers in the County of Sonoma.

Also, Senate Bill No. 383—An Act to incorporate the Town of Livermore, Alameda County.

Also, Senate Bill No. 651—An Act to repeal an Act to protect fish in the Counties of Plumas and Sierra.

Also, Senate Bill No. 647—An Act to amend an Act entitled an Act to incorporate the City of Gilroy, approved March twelfth, eighteen hundred and seventy.

Also, Senate Bill No. 540—An Act to authorize the erection and maintenance of a draw-bridge across Petaluma Creek, in the City of Petaluma.

Also, Senate Bill No. 384—An Act to provide for the collection of delinquent taxes for the twenty-fourth, twenty-fifth, and twenty-sixth fiscal years, in the City and County of San Francisco.

Also, Senate Bill No. 372—An Act to amend section four thousand and seventy-one of the Political Code.

Also, Senate Bill No. 326—An Act to amend an Act entitled an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Also, Senate Bill No. 312—An Act concerning corporations and persons engaged in the business of banking.

Also, substitute for Senate Bill No. 358—An Act to amend section six hundred and ninety of the Code of Civil Procedure, and for other purposes.

Also, Senate Bill No. 504—An Act to authorize corporations to own and improve the lots and houses in which their business is carried on.

Also, Senate Bill No. 523—An Act to authorize the Board of Supervisors of the County of Santa Cruz to arrange with the Santa Cruz Railroad Company to change its railroad so as to pass through the Town of Watsonville.

Also, Senate Bill No. 397—An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code.

Also, Senate Bill No. 648—An Act to amend and also to repeal certain sections of the Political Code, relating to the State Board of Equalization.

Also, Senate Bill No. 476—An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three.

Also, Senate Bill No. 301—An Act to provide for the redemption of unused and uncanceled stamps of the State of California heretofore sold.

Also, Senate Bill No. 452—An Act to amend section one thousand and one of the Political Code.

Also, Senate Bill No. 479—An Act to prohibit the sale of intoxicating liquors within one mile of College City, Colusa County, State of California.

Also, Senate Bill No. 115—An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires and of saving property and human life from conflagration.

Also, Senate Bill No. 430—An Act for the relief of George Green and James Smith, of the City and County of San Francisco.

Also, Senate Bill No. 90—An Act to repeal certain sections of the Political Code, relating to public schools.

Also, Senate Bill No. 99—An Act granting relief to tax-payers whose lands have been sold to the State.

Also, substitute for Senate Bill No. 494—An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the claim of John F. Swift.

Also, substitute for Senate Bill No. 527—An Act to authorize the payment to B. E. Hunt, or his assigns, for services as teacher in Calistoga School District, Napa County.

Also, Senate Bill No. 546—An Act to confer certain powers upon the Directors of the Deaf, Dumb, and Blind Asylum.

Also, Senate Bill No. 460—An Act to revise an Act entitled an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government, approved March twenty-sixth, A. D. eighteen hundred and seventy-four.

Also, Senate Bill No. 413—An Act granting to the Omnibus Railroad Company certain rights therein named.

Also, Senate Bill No. 287—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Also, Senate Bill No. 646—An Act to authorize James McClatchy to sue the County of Sacramento.

Also, Senate Bill No. 530—An Act to incorporate the Town of Martinez, and to provide for the government thereof.

WILLIAM IRWIN, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, April 3d, 1876. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that I nominate J. G. Martine as Brigadier-General of the Fourth Brigade, National Guard, vice W. T. Crowell, whose nomination was not confirmed by the Senate; and Edward Canavan as Brigadier-General of the Third Brigade, National Guard, vice Thomas E. Ketchum, whose nomination was not confirmed by the Senate, and respectfully ask the Senate to consent to their appointment.

WILLIAM IRWIN, Governor.

The Senate went into executive session to consider the appointments.

Upon the question, "Will the Senate advise and consent to the appointment of J. G. Martine as Brigadier-General of the Fourth Brigade, N. G., vice W. T. Crowell, whose nomination was not confirmed by the Senate?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Haymond, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, McCarthy, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Rogers, Satterwhite, Shirley, Spencer, Tinnin, and Tuttle—36.

NOES—None.

Whereupon the Chair announced J. G. Martine duly confirmed as a Brigadier-General.

Upon the question, "Will the Senate advise and consent to the appointment of Edward Canavan as a Brigadier-General of the Third Brigade, N. G., vice Thomas E. Ketchum, whose nomination was not confirmed by the Senate?" the roll was called, with the following result:

AYES—Messrs. Angney, Bartlett, Bush, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, McCoppin, McCune, McGarvey, Montgomery, Nunan, O'Connor, Pierson, Roach, Satterwhite, Shirley, Spencer, Tinnin, and Tuttle—34.

NOES—None.

Whereupon the Chair announced Edward Canavan duly confirmed as a Brigadier-General.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, April 3d, 1876. }

*To the Senate of the State of California:*

I herewith respectfully return to your honorable body Senate Bill No. 178—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two—without approval.

The Act proposed to be amended permitted a public road to be taken possession of by private parties, and converted into a toll road. It provided, however, that all residents of the road



district in which this road was situated should be permitted to travel over the road free. The object, or at least the ostensible object, of the present bill, is to permit persons who reside in a certain defined district within the corporate limits of Sacramento City, and own land in the road district in question, to travel over the road free also.

While this right is given, it is made necessary, in order to enjoy it, to obtain a free pass from the parties owning the road. But the bill restricts the issuing of free passes to residents of the district who own land therein. The practical effect will be, if the bill shall become a law, not to give the persons who reside in the defined district in Sacramento, and own land in the road district, the privilege of traveling over the road free, but to take from the non-landowners of the road district the right which they now have to use the road without paying toll.

Thus the bill fails to accomplish what was desired, but takes from parties rights which they now have, which I cannot suppose was intended.

For these reasons, I return the bill without my signature.

WILLIAM IRWIN, Governor.

Upon the question, "Shall the bill become a law notwithstanding the objections of the Governor?" the roll was called, and the Senate refused to pass the bill over the veto of the Governor, by a vote as follows:

AYES—None.

NOES—Messrs. Bartlett, Beazell, Bush, Craig, Donovan, Eakin, Edgerton, Evans, Farley, Flint, Fraser, Gibbons, Graves, Haymond, Hendricks, Hilborn, Hill, Hopkins, Howe, Laine, Lewis, Lindsey, McCarthy, McOppan, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, Rogers, Satterwhite, Spencer, Tinnin, Turner, and Tuttle—36.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,

SACRAMENTO, April 3d, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 82—An Act to provide for the payment of the claim of John Brunner.

Also, Senate Bill No. 151—An Act to amend the Code of Civil Procedure.

Also, Senate Bill No. 369—An Act to provide for the preservation and improvement of Golden Gate Park, in the City and County of San Francisco.

Also, Senate Bill No. 440—An Act to appropriate the sum of five thousand dollars for the improvement of the roads and sidewalks around the Stockton Insane Asylum.

Also, concurred in Senate amendments to Assembly Bills Nos. 338, 371, and 804.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,

SACRAMENTO, April 3d, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, adopted Assembly Concurrent Resolution No. 62—Requesting the Governor to return Assembly Bill No. 712, to correct a clerical error.

Also, passed Senate Bill No. 125—An Act to add three sections to the Civil Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 329—An Act to amend sections six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, six hundred and forty-nine, and nine hundred and fifty-six of the Code of Civil Procedure.

Also, Senate Bill No. 427—An Act to amend section six hundred and fifty-three of the Code of Civil Procedure.

Also, to return Senate Bill No. 601, and request that the amendments adopted be authenticated.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,

SACRAMENTO, April 3d, 1876.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, Senate Bill No. 641—An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane for the twenty-seventh fiscal year, ending the thirtieth day of June, eighteen hundred and seventy-six.

Also, Assembly Bill No. 812—An Act defining certain powers of the Board of Supervisors of the City and County of San Francisco.

CAYLET, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, amended and passed Senate Bill No. 180—An Act to amend section eight hundred and one of the Code of Civil Procedure.

And, on this date, passed, under suspension of the rules, and ordered transmitted to the Senate without engrossment, Assembly Bill No. 816—An Act supplemental to an Act entitled an Act to create an irrigation district to be known as the West Side Irrigation District, approved April third, eighteen hundred and seventy-six.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, adopted the accompanying resolution, requesting the return of Senate Bill No. 125—An Act to add three sections to the Civil Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two:

*Resolved*, That the Senate be and is hereby respectfully requested to return to the Assembly Senate Bill No. 125.

Also, amended and passed Senate Bill No. 659—An Act to appropriate money for the support of the government of the State.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 659, above reported, Assembly amendments concurred in.

Assembly Bill No. 812, above reported, read first and second times and referred to the delegation named in the bill.

Assembly Concurrent Resolution No. 62, above reported, concurred in.

Assembly Bill No. 816, above reported, read first and second times, rules suspended, and, by general consent, read third time and passed.

Senate Bill No. 180, above reported, Assembly amendment concurred in.

The resolution in reference to Senate Bill No. 125 was laid on the table.

Mr. Edgerton moved that the resolution offered by Mr. Donovan on April first, instructing the Sergeant-at-Arms to arrest W. G. English, be expunged from the journal of the Senate, as it had since transpired that said English was entirely innocent of the offense supposed to have been committed by him.

The motion was seconded by Mr. Donovan, and agreed to unanimously.

On motion of Mr. Edgerton, the rules were suspended, and Assembly Bill No. 533—An Act for the incorporation of societies for the prevention of cruelty to children—taken up for consideration.

Read third time and passed.

Mr. Nunan moved to suspend the rules, to take up Assembly Bill No. 403.

On which the ayes and noes were demanded by Messrs. Craig, Nunan, and Roach, and the Senate refused, two-thirds failing to vote in the affirmative:

AYES—MESSRS. Craig, Donovan, Eakin, Evans, Farley, Flint, Fraser, Haymond, Hendricks, Howe, Lewis, McCarthy, McGarvey, Montgomery, Nunan, Pierson, Roach, Rogers, and Satterwhite—21.

NOES—MESSRS. Angney, Bartlett, Beazell, Bush, Edgerton, Gibbons, Graves, Hilborn, Hill, Hopkins, Laine, Lindsey, McCoppin, McCune, O'Connor, Shirley, Spencer, Turner, and Tuttle—19.

Mr. Angney, by leave, introduced a bill as follows: An Act to

amend section three thousand seven hundred and thirteen of the Political Code.

Read first and second times, rules suspended, considered engrossed, and, by general consent, read third time and passed.

# RECESS.

At three o'clock and twelve minutes p. m., on motion of Mr. Lewis, the Senate adjourned until seven o'clock and thirty minutes p. m.

# RE-ASSEMBLED.

At seven o'clock and thirty minutes p. m. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

Mr. Lewis, by leave, offered the following resolution :

*Resolved*, That the pay heretofore ordered to the Postmaster for remaining one week after the session, to attend to the mail in the interest of the Lieutenant-Governor and Senators, be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Rogers, of the Committee on Contingent Expenses, submitted sundry accounts and a resolution.

Referred to the special committee.

On motion of Mr. Edgerton, the rules were suspended to take up Assembly Bill No. 473—An Act supplementary to an Act to amend an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

The bill was indefinitely postponed.

Mr. Tuttle submitted a report as follows :

SENATE CHAMBER, )  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 659—An Act to appropriate money for the support of the government of the State.

Also, substitute for Senate Bill No. 569—An Act to provide for the preservation and improvement of Golden Gate Park, in the City and County of San Francisco.

Also, Senate Concurrent Resolution No. 65—To renumber the sections of Senate Bill No. 355.

Also, Senate Bill No. 125—An Act to add three sections to the Civil Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six, and to repeal an Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two.

Also, Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code.

Also, Senate Bill No. 427—An Act to amend section six hundred and fifty-three of the Code of Civil Procedure.

Also, Senate Bill No. 635—An Act to facilitate the transaction of business in the office of the Auditor of the City and County of San Francisco.

Also, Senate Bill No. 621—An Act entitled an Act to regulate locations in Calaveras County.

Also, Senate Concurrent Resolution No. 66—To renumber sections of Senate Bill No. 134.

Also, Senate Bill No. 641—An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane, for the twenty-seventh fiscal year, ending the thirtieth day of June, eighteen hundred and seventy-six.

And on the third day of April, eighteen hundred and seventy-six, at — o'clock and — minutes, presented the same to his Excellency the Governor for his approval.

TUTTLE, for Committee.

SENATE CHAMBER, )  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 180—An Act to amend section eight hundred and one of the Code of Civil Procedure.

Also, Senate Bill No. 329—An Act to amend sections six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, six hundred and forty-nine, and nine hundred and fifty-six of the Code of Civil Procedure.

Also, Senate Bill No. 440—An Act to appropriate the sum of five thousand dollars for the improvement of the roads and sidewalks around the Stockton Insane Asylum.

And on this third day of April, eighteen hundred and seventy-six, at seven o'clock and thirty minutes P. M., presented the same to his Excellency the Governor for his approval.

TUTTLE, for Committee.

By Mr. McCarthy:

SENATE CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 82—An Act to provide for the payment of the claim of John Breuner—and on this third day of April, eighteen hundred and seventy-six, presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

#### ASSEMBLY MESSAGES.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 414—An Act to repeal section six hundred and thirty-five of the Code of Civil Procedure.

Also, amended and passed Senate Bill No. 649—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

And refused to pass Senate Bill No. 601—An Act to amend an Act entitled an Act to amend an Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto, approved March thirtieth, eighteen hundred and seventy-two, approved March eleventh, eighteen hundred and seventy-four.

Also, adopted Assembly Concurrent Resolution No. 63—Instructing the Enrolling Clerk of the Assembly to enroll Assembly Bill No. 294 out of its order.

Also, concurred in Senate amendments to Assembly Bill No. 294.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, amended and passed Senate Bill No. 489—An Act to amend an Act entitled an Act repealing Article IV. of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituted this Act for said Article IV., approved April first, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 658—An Act to confer additional power on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, passed Senate Bill No. 660—An Act to amend section three thousand seven hundred and thirteen of the Political Code.

O'NEIL, Assistant Clerk.

ASSEMBLY CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 469—An Act to amend section three thousand four hundred and sixty-five of the Political Code.

Also, Senate Bill No. 536—An Act to authorize the Board of Supervisors of the City and County of San Francisco to transfer the sum of five thousand dollars from the General Fund to the Building Fund of said city and county.

Also, Senate Bill No. 501—An Act to transfer certain funds in the State treasury belonging to the State Harbor Commission.

And indefinitely postponed Senate Bill No. 406—An Act for the relief of Mrs. T. M. Logan.

O'NEIL, Assistant Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Concurrent Resolution No. 63, above reported, concurred in.

Senate Bill No. 649, above reported, Assembly amendment concurred in.

Senate Bill No. 489, above reported.

On motion of Mr. McCarthy the bill was laid on the table.

Mr. Roach submitted a report as follows:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 812—Defining certain powers of the Board of Supervisors of the City and County of San Francisco—have had the same under consideration, and report it back without recommendation.

ROACH, Chairman.

On motion of Mr. McCoppin, the rules were suspended to take up Assembly Bill No. 798—An Act to confer additional power on the Board of Supervisors of the City and County of San Francisco.

Amendments concurred in.

Read third time and passed.

On motion of Mr. Gibbons, the rules were suspended to take up Assembly Bill No. 420—An Act concerning lodging-houses and sleeping apartments within the limits of incorporated cities.

Read third time and passed.

## GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, April 3d, 1876. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 599—An Act to amend the Political and Penal Codes concerning public printing, and for other purposes.

Also, Senate Bill No. 580—An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.

Also, Senate Bill No. 474—An Act to authorize the Board of Education of the City and County of San Francisco to provide for the support of the common schools of said city and county.

Also, Senate Bill No. 134—An Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State.

Also, Senate Bill No. 515—An Act to amend section two thousand five hundred and twenty-five of the Political Code.

Also, Senate Bill No. 643—An Act making appropriations for deficiencies in the appropriations for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.

Also, Senate Bill No. 639—An Act to provide for the payment of the funded indebtedness of Mendocino County.

Also, Senate Bill No. 480—An Act concerning the office of Collector of Licenses for the City and County of San Francisco.

Also, Senate Bill No. 355—An Act to open and establish a public street in the City and County of San Francisco to be called Seventh street, to take private grounds therefor, and to grade, macadamize, and improve a portion of Seventh street, and to construct a bridge thereon.

Also, Senate Bill No. 522—An Act providing for the removal of the remains of deceased persons interred in California street, west of Lyon street, in the City and County of San Francisco, and for the grading of California street, between Lyon street and First Avenue, in said city and county.

Also, Senate Bill No. 618—An Act amendatory of and supplementary to an Act to establish water rates in the City and County of San Francisco, approved March first, eighteen hundred and seventy-six.

Also, Senate Bill No. 45—An Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of the State.

Also, Senate Bill No. 82—An Act to provide for the payment of the claim of John Breuner.

WILLIAM IRWIN, Governor.

Mr. Farley submitted a resolution providing for the appointment of A. Caminetti to index the Senate Journal of this session.

Referred to the Special Committee on Resolutions.

Mr. Haymond moved that the number of the committee of Senators appointed to investigate all matters having a bearing upon the question of Chinese immigration, etc., be increased from five to seven.

Agreed to.

The President appointed as the committee: Messrs. Haymond, Lewis, McCoppin, Evans, Pierson, Donovan, and Rogers.

[Mr. Evans in the chair]

Mr. Lewis offered the following:

*Resolved*, That the thanks of the Senate be and are hereby tendered the President of the Senate, Lieutenant-Governor Johnson, for the able and impartial manner in which he has discharged the duties of presiding officer of this body during the present session.

By Mr. Tinnin:

*Resolved*, That the thanks of the Senate are hereby tendered to the Hon. B. F. Tuttle for the able, courteous, and impartial manner in which he has discharged his duties as President pro tem. of the Senate.

The resolutions were adopted unanimously.

By Mr. Pierson:

*Resolved*, That the thanks of the Senate be and they are hereby tendered to the reporters of the press having seats on the floor of the Senate, for their uniform candor and fairness in reporting the proceedings of the Senate.

Adopted.

By the special committee:

*Resolved*, That the President of the Senate be and he is hereby authorized to sign the journals of the Senate, after the adjournment of the Legislature, with the same power and effect as such signing would have if signed whilst the Legislature was in session.

Adopted.

Mr. McCarthy submitted a report as follows:

SENATE CHAMBER, )  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 151—An Act to amend the Code of Civil Procedure—and on the third day of April, eighteen hundred and seventy-six, at eight o'clock and five minutes P. M., presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

The special committee reported an amended resolution, inserting the name of P. J. O'Connor as the Clerk of the Building Committee.

Adopted.

Mr. Turner moved to suspend the rules to take up Assembly Bill No. 506, number eighty-two on the file.

On which the ayes and noes were demanded by the requisite number, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bush, Eakin, Evans, Flint, Fraser, Haymond, Hendricks, Laine, Lewis, Lindsey, McGarvey, Montgomery, O'Connor, Roach, Rogers, Satterwhite, Shirley, Tinnin, Turner, and Tuttle—21.

NOES—Messrs. Bartlett, Beazell, Craig, Farley, Gibbons, Hilborn, McCune, Pierson, and Spencer—9.

Mr. Lewis moved to refer the bill to the Committee on Public Lands.

On which the ayes and noes were demanded by the requisite number, and the Senate refused, by a vote as follows :

AYES—Messrs. Bartlett, Beazell, Craig, Evans, Farley, Flint, Gibbons, Hopkins, Lewis, Martin, McCarthy, McCune, Pierson, Rogers, and Satterwhite—15.

NOES—Messrs. Angney, Bush, Fraser, Haymond, Hilborn, Hill, Howe, Laine, Lindsey, McGarvey, Montgomery, Nunan, O'Connor, Roach, Shirley, Spencer, Turner, and Tuttle—18.

Read third time.

On the passage of the bill, the ayes and noes were demanded by Messrs. Lindsey, Bush, and McCune, and it passed, by a vote as follows :

AYES—Messrs. Angney, Bush, Evans, Flint, Fraser, Haymond, Hendricks, Hilborn, Hill, Laine, Lindsey, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, Satterwhite, Shirley, Spencer, Tinnin, Turner, and Tuttle—23.

NOES—Messrs. Bartlett, Beazell, Craig, Farley, Gibbons, Hopkins, Lewis, McCarthy, and Pierson—9.

Mr. Angney submitted a report as follows :

MR. PRESIDENT: The Committee on Public Lands report back Assembly Concurrent Resolution No. 41—Relative to preemption laws now in force in this State—and recommend that it do not pass.

Also, Assembly Concurrent Resolution No. 42—Relative to mineral lands embraced within the limits of the sixteenth and thirty-sixth sections—without recommendation.

ANGNEY, Chairman.

By the special committee :

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to take charge of such furniture and other property belonging to the State as has been in use in the Senate, and turn the same over to the Secretary of State, taking his receipt therefor, and that the said Sergeant-at-Arms be allowed three days' pay for the same, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

Mr. Martin moved to rescind the resolution by which the Special Committee on Resolutions was appointed.

Lost.

The special committee reported adversely on the following resolution, offered by Mr. Martin :

*Resolved*, That David D. Maddox, Mail Carrier of the Senate, be allowed the sum of one dollar per day, from December twenty-eighth, eighteen hundred and seventy-five, and that the same be allowed out of the Contingent Expense Fund of the Senate.

Lost.

The following reports were submitted :

By Mr. McCarthy :

SENATE CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 501—An Act to transfer certain funds in the State treasury belonging to the State Harbor Commission.

Also, Senate Bill No. 469—An Act to amend section three thousand four hundred and sixty-five of the Political Code.

And on the third day of April, eighteen hundred and seventy-six, presented the same to his Excellency the Governor for his approval.

McCARTHY, Chairman.

By Mr. Tuttle :

ASSEMBLY CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 414—An Act to repeal section six hundred and thirty-five of the Code of Civil Procedure.

Also, Senate Bill No. 649—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, and the Auditor and Treasurer thereof.

Also, Senate Bill No. 660—An Act to amend section three thousand seven hundred and thirteen of the Political Code.

Also, Senate Bill No. 658—An Act to confer additional powers on the Board of Supervisors of San Francisco, and upon the Auditor and Treasurer thereof.

And on the third day of April, eighteen hundred and seventy-six, at nine o'clock p. m., presented the same to his Excellency the Governor for his approval.

TUTTLE, for Committee.

SENATE CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 536—An Act to authorize the Board of Supervisors of the City and County of San Francisco to transfer the sum of five thousand dollars from the General Fund to the Building Fund of said city and county—and on the third day of April, eighteen hundred and seventy-six, at nine o'clock and twenty minutes p. m., presented the same to his Excellency the Governor for his approval.

TUTTLE, for Committee.

By the special committee:

*Resolved*, That a committee of three Senators be appointed to wait upon the Governor, and ascertain from him if he has any further communication to make to the Senate.

Adopted.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed Senate Bill No. 614—An Act authorizing and providing for the building of a roadway along Sixth street, from Townsend street to Tennessee street, and for the construction of a draw-bridge across Channel street, at its intersection with said Sixth street, in the City and County of San Francisco.

Also, adopted Assembly Concurrent Resolution No. 64—Relative to the Enrolling Clerk of the Assembly being instructed to correct an error in Assembly Bill No. 294.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 64, above reported, concurred in.

At nine o'clock and twenty minutes p. m. Mr. McGarvey moved to take a recess until ten o'clock p. m.

Lost.

The special committee reported the following resolution:

*Resolved*, That the thanks be and they are hereby tendered to the Secretary of the Senate, the Minute Clerk, the Assistant Secretaries, and to all the clerks and attachés of the Senate, for their promptness, faithfulness, and uniform politeness during the entire session.

Adopted unanimously.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, passed, under a suspension of the rules, and ordered transmitted to the Senate without



engrossment, Assembly Concurrent Resolution No. 65—Concerning State liens on grants not patented.

And refused to pass Senate Bill No. 334—An Act to repeal Chapter III., Title VII., of the Political Code, relating to births, marriages, and deaths; and

Senate Bill No. 506—An Act to amend sections two thousand one hundred and thirty-seven and two thousand one hundred and forty of the Political Code, relative to the Insane Asylum at Stockton.

O'NEIL, Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 65, above reported, read first and second times and ordered on file.

At nine o'clock and forty-five minutes p. m. Mr. Lewis moved to take a recess for one hour.

On which the ayes and noes were demanded by Messrs. Lewis, Angney, and Turner, and the motion prevailed, by a vote as follows:

AYES—Messrs. Angney, Bartlett, Beazell, Bush, Craig, Evans, Farley, Flint, Fraser, Gibbons, Graves, Hilborn, Hopkins, Lewis, Martin, McCarthy, McCoppin, Pierson, Satterwhite, Shirley, Spencer, and Turner—22.

NOES—Messrs. Eakin, Hendricks, Hill, Howe, Laine, Lindsey, McCune, McGarvey, Montgomery, Nunan, O'Connor, Roach, and Tinnin—13.

#### RE-ASSEMBLED.

At ten o'clock and forty-five minutes p. m. the Senate re-assembled. President in the chair.

Roll called, and a quorum present.

The special committee reported as follows:

MR. PRESIDENT: Your special committee have had under consideration a resolution to pay Hiram Clock one dollar per day from the commencement to the close of the session, as Messenger-porter, and recommend its passage.

O'CONNOR, for Special Committee.

*Resolved*, That Hiram Clock be and he is hereby allowed the sum of one dollar per day from the commencement to the close of the present session, as Messenger-porter, to be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Roach moved to suspend the rules, to take up from the table Senate Bill No. 403—An Act authorizing and providing for appropriations and expenditures of money for certain public purposes in the City and County of San Francisco by the Board of Supervisors thereof.

On which the ayes and noes were demanded by Messrs. Bartlett, Tuttle, and Turner, and the motion was lost, two-thirds failing to vote in the affirmative:

AYES—Messrs. Beazell, Craig, Evans, Flint, Fraser, Graves, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McGarvey, Montgomery, Pierson, Roach, Rogers, Satterwhite, Shirley, and Spencer—22.

NOES—Messrs. Angney, Bartlett, Bush, Gibbons, Hill, Laine, Lindsey, McCoppin, McCune, O'Connor, Turner, and Tuttle—12.

#### ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.

SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this date, adopted Assembly Concurrent Resolution No. 66—Authorizing the Enrolling Clerk of the Assembly to correct an error in Assembly Bill No. 816.

O'NEIL, Assistant Clerk.

Assembly Concurrent Resolution No. 66, above reported, concurred in.

# GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, April 3d, 1876. )

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 558—An Act to provide for the payment of certain coupons.

Also, Senate Bill No. 402—An Act to open, establish, grade, and macadamize a public street in the City and County of San Francisco, to be called Fifteenth Avenue Extension, and to take private lands therefor, and to build and construct a bridge over and across Islais Creek, in said city and county.

Also, Senate Bill No. 629—An Act concerning the Burlingame Treaty.

Also, Senate Bill No. 217—An Act to add a new section to the Civil Code, relating to corporations.

Also, Senate Bill No. 432—An Act to amend the Civil Code, by adding a new section thereto, to be numbered section three hundred and twenty-one, and to repeal section five hundred and eighty-four of the same Code, concerning corporations.

Also, substitute for Senate Bill No. 625—An Act to authorize the compromise of certain litigation concerning a portion of the water-front of the City and County of San Francisco.

Also, Senate Bill No. 658—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 300—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 244—An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, additional powers.

Also, Senate Bill No. 501—An Act to transfer certain funds in the State treasury belonging to the State Harbor Commission.

Also, Senate Bill No. 469—An Act to amend section three thousand four hundred and sixty-five of the Political Code.

WILLIAM IRWIN, Governor.

The special committee reported a resolution introduced by Mr. Haymond, as follows:

*Resolved*, That our Senators be instructed, and our Representatives in Congress be requested, to use their best endeavors to secure a grant of an island in the Bay of San Francisco, to the City and County of San Francisco, to be used exclusively for the purposes of Houses of Correction, or such reformatory institutions or prisons as the said city and county may deem proper to erect thereon.

*Resolved*, That the Governor be requested to transmit a copy of this resolution to our Senators and Representatives in Congress.

Adopted.

Mr. Nunan moved to suspend the rules, to take up from the table Senate Bill No. 403.

On which the ayes and noes were demanded by the requisite number, and the motion was lost, two-thirds failing to vote in the affirmative:

AYES—Messrs. Craig, Donovan, Evans, Flint, Fraser, Graves, Haymond, Hendricks, Hilborn, Hopkins, Howe, Lewis, Martin, McCarthy, McGarvey, Montgomery, Nunan, Pierson, Roach, Rogers, Satterwhite, and Spencer—22.

NOES—Messrs. Angney, Bartlett, Beazell, Bush, Gibbons, Hill, Laine, Lindsey, McCoppin, McCune, O'Connor, and Turner—12.

The President appointed Senators Lewis, Turner, and Nunan a committee to wait upon the Governor, to inquire if he had any further communication to make to the Senate, in compliance with a resolution heretofore adopted.

Mr. Lewis, for the Judiciary Committee, verbally reported the following bills, without recommendation: Assembly Bills Nos. 356,

481, 669, 15, 41, 241, and 209, and Senate Bills Nos. 321, 378, 258, 198, 138, 305, 5, 193, 61, 88, 111, 78, 1, 188, 158, 631, and 633.

Mr. McCarthy submitted the following report :

SENATE CHAMBER,

SACRAMENTO, April 3d, 1876. }

MR. PRESIDENT: Your Committee on Enrollment have examined and find correctly enrolled substitute for Senate Bill No. 614—An Act to open and establish a public street in the City and County of San Francisco, to be called Sixth street, to take private land therefor, and to grade, macadamize, and improve a portion of Sixth street, and to construct a bridge thereon, across Channel street—and have this day, the third of April, eighteen hundred and seventy-six, at eleven o'clock and thirty minutes p. m., presented the same to his Excellency the Governor for his approval.

MCCARTHY, Chairman.

### GOVERNOR'S MESSAGE.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, April 3d, 1876. }

#### *To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 635—An Act to facilitate the transaction of business in the office of the Auditor of the City and County of San Francisco.

Also, Senate Bill No. 641—An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane, for the twenty-seventh fiscal year ending the thirtieth day of June, eighteen hundred and seventy-six.

Also, Senate Bill No. 151—An Act to amend the Code of Civil Procedure.

Also, Senate Bill No. 659—An Act to appropriate money for the support of the government of the State.

Also, Senate Bill No. 569—An Act to provide for the preservation and improvement of Golden Gate Park, in the City and County of San Francisco.

Also, substitute for Senate Bill No. 649—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 660—An Act to amend section three thousand seven hundred and thirteen of the Political Code.

Also, Senate Bill No. 536—An Act to authorize the Board of Supervisors of the City and County of San Francisco to transfer the sum of five thousand dollars from the General Fund to the Building Fund of said city and county.

Also, Senate Bill No. 44—An Act for the relief of J. J. Conlin.

Also, Senate Bill No. 445—An Act to confer additional powers on the Treasurer of the City and County of San Francisco.

Also, Senate Bill No. 292—An Act to add another section to the Civil Code, and numbered section five hundred and fifty-two.

Also, Senate Bill No. 391—An Act to amend the Political Code, and to repeal a certain Act relating to the revenue.

Also, Senate Bill No. 275—An Act to amend section one hundred and seventy-two of the Penal Code.

Also, Senate Bill No. 427—An Act to amend section six hundred and fifty-three of the Code of Civil Procedure.

Also, Senate Bill No. 329—An Act to amend sections six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, six hundred and forty-nine, and nine hundred and fifty-six of the Code of Civil Procedure.

Also, Senate Bill No. 385—An Act to provide for the collection of delinquent taxes in the City and County of San Francisco.

Also, Senate Bill No. 611—An Act to pay the claim of George W. Whitlock.

Also, substitute for Senate Bill No. 180—An Act to amend section seven hundred and sixty-four of the Code of Civil Procedure of the State of California.

Also, Senate Bill No. 414—An Act to repeal section six hundred and thirty-five of the Code of Civil Procedure.

Also, Senate Bill No. 621—An Act to regulate the recording of mining locations in Calaveras County.

Also, substitute for Senate Bill No. 614—An Act to open and establish a public street in the City and County of San Francisco, to be called Sixth street, to take private lands therefor, and to grade, macadamize, and improve a portion of Sixth street, and to construct a bridge thereon across Channel street.

WILLIAM IRWIN, Governor.

[President in the chair.]

Mr. Lewis, for the committee appointed to wait upon the Governor, reported that, in the discharge of the duty assigned them, they had waited upon his Excellency the Governor, who informed the committee he had no further communications to make to the Senate.

At eleven o'clock and fifty minutes P. M., the Secretary of the Senate was directed to inform the Assembly that the Senate had completed its business, and was ready to adjourn *sine die*.

The Chief Clerk was announced with a communication from the Assembly, and reported that he had been directed to inform the Senate that the Assembly, having finished the business before that body, was now ready to adjourn *sine die*.

The Lieutenant-Governor, presiding officer of the Senate, returned thanks to the officers and attachés of the Senate for the many favors he had received from them all. First, to the Pages, for their uniform good behavior and attention to the duties required of them. To the Secretaries and Clerks at the desk, from whom he had received valuable assistance in the discharge of his duties. To the officers in their various departments, all had his thanks for the prompt and faithful performance of their respective duties; and to the reporters of the press, for the fairness and completeness of their reports. He thanked the Senators for the forbearance that they had exercised, and expressed his well wishes for their future success and happiness.

#### ADJOURNMENT.

At twelve o'clock midnight, the President announced that the hour had arrived, fixed by the Constitution for final adjournment, and declared the Senate adjourned *sine die*.

JAMES A. JOHNSON,

President of the Senate.

E. L. CRAWFORD,

Assistant Secretary of the Senate.





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# INDEX.

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## ORDER OF ARRANGEMENT.

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INDEX TO PROCEEDINGS OF SENATE.

INDEX TO SENATE BILLS.

INDEX TO SENATE CONCURRENT RESOLUTIONS.

ABBREVIATIONS.—S. B., Senate Bill; A. B., Assembly Bill; S. C. R., Senate Concurrent Resolution; A. C. R., Assembly Concurrent Resolution; S. J. R., Senate Joint Resolution; A. J. R., Assembly Joint Resolution.

# INDEX TO PROCEEDINGS OF SENATE.

## A

<b>ADJOURNMENTS.</b> Pages	1, 8, 13, 18, 20, 47, 50, 57, 62, 65, 68, 71, 77, 82, 87, 93, 103, 108, 113, 117, 121, 126, 133, 137, 141, 145, 152, 157, 164, 169, 175, 179, 187, 194, 199, 205, 211, 215, 220, 225, 230, 236, 241, 245, 250, 257, 264, 272, 280, 287, 292, 298, 309, 319, 332, 340, 348, 356, 361, 369, 379, 387, 396, 403, 408, 418, 424, 436, 445, 454, 462, 470, 477, 493, 506, 519, 536, 550, 565, 582, 596, 615, 639
<b>ALAMEDA COUNTY.</b> Bills concerning	67, 139, 161, 244, 374, 422
Reports of delegation	166, 180, 233, 241, 251, 322, 362, 370, 444, 460, 490, 507, 549, 583
Alameda, Town of, bills concerning	423, 441
Hayward, Town of, bill concerning	238
Livermore, Town of, bill concerning	259
Oakland, City of, bills concerning	198, 213, 228, 299, 316, 351, 360, 381, 405, 441, 443, 451
<b>ALPINE COUNTY.</b> Bills concerning	416
<b>AMADOR COUNTY.</b> Bills concerning	323
Reports of delegation	218, 396, 456
<b>AMENDMENTS TO CIVIL CODE.</b> Bill to amend Section 305	14
Bill to amend, concerning insurance	15
Bill to amend Sections 2466, 2467, 2468, and 2469	66
Bill to amend Section 226	66
Bill to amend Section 21	67
Bill to add additional section, relative to corporations	69
Bill to amend Section 59	73
Bill to amend Sections 91, 124, 146, 147, and to repeal Sections 94 to 107, inclusive, and Sections 118, 119, 125, 126, 127, and 144	84
Bill to amend Section 1243	84
Bill to amend Section 1243	85
Bill to amend Section 1243	85
Bill to amend Section 497	101
Bill to repeal certain sections	109
Bill to amend	119
Bill to add new section, relating to corporations	140
Bill to amend Section 1401	151
Bill to amend Section 290	198
Bill to add two sections (552 and 553)	199
Bill to add three new sections (1861, 1862, and 1863)	199
Bill to amend Section 549	202
Bill to amend Section 497	207
Bill to amend	213
Bill to amend Section 549	216
Bill to amend, concerning liens	229
Bill to amend Section 1241	254
Bill to amend Act to establish	273
Bill to amend Section 470	336
Bill to add three new sections	344
Bill to amend Section 1624	345
Bill to add new section (552)	351
Bill to amend Act to establish	398
Bill to amend Section 304	429
Bill to amend Section 659	455
Bill to repeal Section 661	462
Bill to amend Section 1275	559
Bill to repeal Section 1313	559
Bill to amend Section 310	575



AMENDMENTS TO CODE OF CIVIL PROCEDURE. Bill to amend	9
Bill to add additional section	48
Bill to amend Section 58	56
Bill to amend Sections 340 and 1290	66
Bill to amend Section 19	67
Bill to amend Section 50	69
Bill to amend Section 946	84
Bill to add new section to Chapter XIII. of Title XI.	88
Bill supplementary to Article II., Chapter X., Title XI., Part III.	101
Bill to amend	101
Bill to amend Sections 265 and 266	101
Bill to amend Section 832	109
Bill to amend Section 542	109
Bill to amend Section 559	109
Bill to amend Section 738	109
Bill to add new section	109
Bill to amend Section 801	115
Bill to amend Section 1161	115
Bill to amend Section 88	124
Bill to amend Section 1737	124
Bill to amend Section 1469	134
Bill to amend Section 1254	135
Bill to amend Section 702	145
Bill to amend Section 408	146
Bill to amend Section 117	161
Bill to amend Section 665	168
Bill to amend Sections 1168, 1071, 1072, and 1074	168
Bill to amend Section 2021	168
Bill to amend Section 1819	189
Bill to amend Section 64	199
Bill to amend Section 1500	204
Bill to amend Sections 646, 647, 648, 649, and 956	219
Bill to amend Section 690	239
Bill to amend Section 1880	249
Bill to amend Section 726	254
Bill to repeal Section 635	283
Bill to amend Section 59	283
Bill to amend Section 653	290
Bill to amend Section 969	316
Bill to amend Section 75	316
Bill to amend Section 1248	336
Bill to amend Chapter IV., Title X., Part II.	344
Bill to amend Section 1465	359
Bill to amend Section 1750	372
Bill to amend	391
Bill to amend Section 259	429
Bill to repeal Section 1502	510
AMENDMENTS TO PENAL CODE. Bill to amend Section 243	55
Bill to amend Section 1590	56
Bill to amend Section 1111	56
Bill to amend Section 599	56
Bill to amend Section 20	66
Bill to repeal Section 869	66
Bill to add new section (308)	67
Bill to amend Section 783	69
Bill to amend Section 487	69
Bill to amend Section 3788	69
Bill to amend Section 330	70
Bill to amend Section 1070	73
Bill to amend Sections 459, 460, and 461, and to repeal Section 462	84
Bill to amend Section 954	101
Bill to amend Section	101
Bill to amend Section 1273	109
Bill to amend Section 1329	114
Bill to amend Section 627	119
Bill to add new section (214)	140
Bill to amend Section 249	151
Bill to add new section (258)	181
Bill to amend Section 172	183
Bill to amend Sections 213 and 1547	190
Bill to amend Section 627	199
Bill to amend Section 637	202
Bill to amend Section 628	237

AMENDMENTS TO PENAL CODE. Bill to amend Section 1329 .....	238
Bill to add another section .....	290
Bill to amend Sections 916, 933, 934, 1426, and 1427 .....	393
Bill to add a new section .....	410
Bill to amend Section 317 and to add a new section .....	429
Bill to amend Section 625 .....	452
Bill to amend Section 599 .....	452
Bill to amend Section 758 .....	510
AMENDMENTS TO POLITICAL CODE. Bill to amend, in relation to payment of taxes .....	9
Bill to amend, in relation to redemption of property sold for taxes .....	9
Bill to amend certain sections and to repeal certain sections relative to insurance .....	9
Bill to amend, relative to collection of taxes .....	14
Bill to amend Article IX., Chapter VI. ....	15
Bill to repeal Section 11 of Chapter I., Title VI. ....	44
Bill to amend, relative to salaries .....	45
Bill to add additional sections, relative to sale of public lands .....	45
Bill to amend Section 2107, and to repeal Section 2112 .....	48
Bill to add additional sections .....	56
Bill to amend, relative to military .....	56
Bill to amend Sections 751 and 756 .....	61
Bill to reenact Section 1161 .....	63
Bill to amend certain sections relative to collection of taxes .....	63
Bill to amend certain sections, to repeal certain sections, and to add new sections, relative to salaries .....	66
Bill to amend Section 20 .....	67
Bill to amend Section 4122 .....	67
Bill to repeal Sections 365 and 698 .....	69
Bill to repeal certain sections, relating to public schools .....	70
Bill to repeal Sections 363 and 702 .....	70
Bill to amend Section 798 .....	73
Bill to amend Section 3985 .....	73
Bill to amend Section 3785 .....	73
Bill to amend Section 1097 .....	73
Bill to amend Section 3756 .....	74
Bill to amend Section 766 .....	79
Bill to amend Section 3382 .....	81
Bill to add three sections, to be known as Sections 404, 405, and 406 .....	84
Bill to amend Section 1792 .....	85
Bill to amend Section 858 .....	100
Bill to amend Sections 1543 and 1578 .....	100
Bill to amend Sections 2950, 2952, and 2968 .....	101
Bill to amend Section 3574 .....	102
Bill to repeal Sections 3376, 3379, 3380, 3382, 3383, 3384, 3385, and 3386 .....	109
Bill to amend Sections 352, 3700, and 3701 .....	109
Bill to amend Section 4332 .....	109
Bill to amend certain sections relating to the school law .....	114
Bill to amend Section 3799 .....	115
Bill to amend Section — .....	119
Bill to amend Sections 3758 and 3764 .....	119
Bill to amend Section 1113 .....	119
Bill to amend Section 4120 .....	132
Bill to amend Section 268 .....	134
Bill to amend Sections 3758, 3764, and 3790 .....	134
Bill to amend Sections 564, 566, and 567 .....	139
Bill to amend Act establishing .....	140
Bill to amend Act to add additional sections .....	161
Bill to amend certain sections .....	161
Bill to amend and add new section, concerning State Board of Equalization .....	168
Bill to amend Section 1055 .....	168
Bill to amend Section 4109, and to reduce salaries and fees in office .....	171
Bill to amend certain sections concerning salaries of judicial officers, etc. ....	190
Bill to repeal Sections 3748 and 3749 .....	190
Bill to amend Section 2221 .....	190
Bill to amend Sections 131 and 132 .....	198
Bill to add a new section .....	199
Bill to amend Sections 3679 and 3887, and to repeal Section 3678 .....	199
Bill to repeal Sections 3823, 3824, 3825, 3826, 3827, 3828, 3829, and 3830 .....	199
Bill to amend subdivision 5 of Section 642 .....	202
Bill to amend Section 1577 .....	202
Bill to amend Section 843 .....	207
Bill to amend and repeal sections of Political Code concerning salaries of civil executive officers of the State .....	210
Bill to amend Section 3384 .....	223

AMENDMENTS TO POLITICAL CODE. Bill to repeal Chapter III., Title VII., relating to births, marriages, etc.	223
Bill to amend Section 2916	224
Bill to amend certain sections relative to licenses	224
Bill to amend Sections 2238 and 2256, relative to the Deaf, Dumb, and Blind Asylum	224
Bill to amend the Political Code	229
Bill to amend an Act entitled an Act to establish a Political Code, approved March 12th, 1872	243
Bill to amend Section 791, with reference to Notaries Public	243
Bill to amend Section 4071	254
Bill to amend Sections 1115 and 1116	259
Bill to amend Section 268	259
Bill to amend Section 3771	259
Bill to repeal Section 415	260
Bill to amend, and to repeal a certain Act relating to the revenue	260
Bill to repeal certain sections, etc.	267
Bill to add a new article to	273
Bill to amend an Act to establish	290
Bill to amend and renumber Section 1552	290
Bill to amend Sections 3628, 3629, and 3630	296
Bill to amend Section 3644	299
Bill to repeal Section 527, and amend Section 528	305
Bill to amend Section 1098	316
Bill to amend Sections 245, 246, 247, and 268, and to repeal Section 258	316
Bill to amend Section 1001	316
Bill to add new section (4194)	322
Bill to add new section (4115)	344
Bill to amend Sections 2432, 2439, and 2440 of Article V., Title VI., Chapter I.; also, Sections 2457, 2458, 2460, 2464, 2465, 2466, 2467, 2468 of Article VI., Title VI., Chapter I.	360
Bill to amend Sections 2137 and 2140	363
Bill to amend Section 2525	372
Bill to amend Sections 436, 660, and 661	382
Bill to amend by adding new section (2921)	391
Bill to amend Section 2524	398
Bill to amend Section 578, 580, and 581	398
Bill to amend Section 3793	405
Bill to amend Section 3820	406
Bill to amend Section 3820	406
Bill to amend an Act entitled an Act to establish	413
Bill to amend Section 2906	428
Bill to amend	428
Bill to amend Section 3466	441
Bill to amend, repeal, and add new sections	451
Bill to amend, repeal, and add new section	452
Bill to amend Section 3381	455
Bill to amend and repeal certain sections	573
Bill to amend Section 3713	629
ANGNEY, W. Z. Appeared and qualified	1
Appointed on committees	48, 49, 112, 125, 224, 435, 583
Bills introduced by	181, 224, 283, 413, 436, 573, 629
Granted leave of absence	319
Petitions presented by	220, 225
Reports of	96, 122, 132, 205, 206, 222, 293, 314, 349, 357, 362, 367, 370, 397, 404, 425, 427, 429, 444, 446, 472, 543, 566, 583, 588, 597, 613, 620, 634
ASSEMBLY BILLS, RESOLUTIONS, ETC., PASSED. A. B. 7	68
A. B. 67	76
A. C. R. 11	76
A. B. 26	78
A. J. R. 12	83
A. B. 52	111
A. C. R. 3	112
A. C. R. 13	112
A. B. 51	116
A. B. 42	121
A. B. 43	121
A. C. R. 20	124
A. B. 60	128
A. B. 62	129
A. B. 92	134
A. B. 159	159
A. B. 129	163

ASSEMBLY BILLS, RESOLUTIONS, ETC., PASSED. A. B. 46	163
A. B. 69	163
A. B. 116	167
A. B. 49	169
A. B. 6	169
A. B. 200	170
A. B. 189	171
A. B. 99	174
A. B. 78	175
A. B. 74	175
A. B. 163	178
A. B. 144	182
A. B. 11	185
A. B. 114	192
A. B. 21	192
A. B. 216	196
A. B. 261	201
A. C. R. 23	202
A. B. 141	202
A. B. 90	202
A. B. 29	203
A. B. 94	203
A. C. R. 24	203
A. C. R. 7	203
A. C. R. 19	204
A. C. R. 14	204
A. C. R. 6	204
A. C. R. 25	205
A. B. 70	213
A. B. 27	218
A. B. 274	218
A. B. 71	225
A. B. 214	228
A. B. 68	232
A. B. 133	251
A. B. 153	255
A. B. 53	255
A. B. 175	255
A. B. 323	259
A. C. R. 9	276
A. C. R. 26	276
A. C. R. 27	276
A. B. 162	279
A. B. 285	281
A. B. 314	281
A. B. 315	281
A. B. 64	286
A. B. 268	288
A. B. 408	289
A. B. 219	291
A. B. 295	295
A. B. 25	295
A. B. 19	303
A. B. 230	303
A. B. 148	303
A. B. 1	306
A. B. 24	308
A. B. 126	308
A. B. 307	308
A. B. 238	309
A. B. 177	309
A. B. 375	313
A. B. 424	315
A. B. 326	315
A. B. 225	319
A. B. 344	319
A. B. 195	320
A. B. 464	322
A. B. 154	323
A. B. 59	324
A. B. 194	324
A. B. 273	324
A. B. 392	326



ASSEMBLY BILLS, RESOLUTIONS, ETC., PASSED. A. B. 262.....	327
A. B. 122.....	327
A. B. 394.....	327
A. B. 227.....	327
A. B. 38.....	328
A. B. 40.....	328
A. B. 146.....	328
A. B. 212.....	328
A. B. 201.....	328
A. B. 312.....	329
A. B. 4.....	332
A. B. 173.....	332
A. B. 312.....	332
A. B. 234.....	334
A. B. 340.....	334
A. B. 246.....	337
A. B. 282.....	337
A. B. 523.....	339
A. C. R. 28.....	340
A. B. 499.....	341
A. B. 381.....	342
A. B. 270.....	342
A. C. R. 31.....	342
A. C. R. 22.....	343
A. B. 215.....	343
A. B. 80.....	346
A. B. 178.....	346
A. B. 303.....	347
A. B. 324.....	347
A. B. 343.....	347
A. B. 325.....	347
A. B. 329.....	347
A. B. 308.....	347
A. B. 313.....	348
A. B. 319.....	348
A. B. 483.....	350
A. B. 280.....	352
A. B. 388.....	355
A. C. R. 40.....	359
A. B. 250.....	360
A. B. 431.....	362
A. B. 373.....	364
A. B. 197.....	367
A. B. 287.....	367
A. B. 428.....	367
A. B. 471.....	370
A. B. 514.....	371
A. B. 355.....	372
A. B. 400.....	374
A. B. 573.....	375
A. B. 404.....	379
A. B. 220.....	380
A. B. 414.....	383
A. B. 335.....	385
A. B. 453.....	385
A. B. 396.....	389
A. B. 593.....	389
A. B. 402.....	389
A. B. 110.....	390
A. B. 276.....	392
A. B. 112.....	392
A. C. R. 37.....	392
A. B. 460.....	394
A. B. 455.....	396
A. B. 231.....	399
A. B. 79.....	399
A. B. 249.....	400
A. B. 278.....	400
A. B. 496.....	400
A. B. 452.....	400
A. B. 377.....	400
A. C. R. 32.....	402
A. B. 536.....	404

ASSEMBLY BILLS, RESOLUTIONS, ETC., PASSED. A. B. 410	405
A. B. 444	406
A. B. 638	412
A. B. 440	412
A. B. 202	413
A. B. 525	414
A. B. 221	414
A. B. 369	415
A. C. R. 33	415
A. B. 320	415
A. B. 615	422
A. B. 271	423
A. B. 571	427
A. B. 588	427
A. B. 317	429
A. B. 663	435
A. B. 513	435
A. B. 532	436
A. B. 465	437
A. B. 450	438
A. B. 210	438
A. B. 633	438
A. B. 418	438
A. B. 541	438
A. B. 623	439
A. B. 563	439
A. B. 693	448
A. B. 531	448
A. B. 666	450
A. B. 492	453
A. B. 279	453
A. B. 518	453
A. B. 102	453
A. B. 627	456
A. B. 575	456
A. B. 475	456
A. B. 662	457
A. B. 707	460
A. B. 625	466
A. B. 706	467
A. C. R. 47	469
A. B. 609	470
A. B. 520	471
A. B. 729	483
A. B. 730	483
A. C. R. 48	487
A. B. 73	488
A. B. 731	489
A. B. 661	490
A. B. 183	491
A. B. 277	491
A. B. 45	491
A. B. 58	492
A. B. 341	492
A. B. 480	493
A. B. 655	493
A. B. 415	494
A. B. 717	494
A. B. 426	495
A. B. 699	497
A. B. 266	501
A. B. 467	501
A. B. 487	501
A. B. 130	501
A. B. 332	501
A. B. 544	501
A. B. 458	501
A. B. 459	501
A. B. 570	501
A. B. 468	502
A. B. 550	502

ASSEMBLY BILLS, RESOLUTIONS, ETC., PASSED. A. B. 613	502
A. B. 321	502
A. B. 462	502
A. B. 438	503
A. B. 553	503
A. B. 554	503
A. B. 416	503
A. B. 434	503
A. B. 552	503
A. B. 596	503
A. B. 242	503
A. B. 425	504
A. B. 676	504
A. B. 530	504
A. B. 664	504
A. B. 526	504
A. B. 574	504
A. B. 446	504
A. B. 380	504
A. B. 755	507
A. C. R. 51	509
A. B. 8	510
A. B. 289	511
A. B. 491	516
A. B. 720	517
A. B. 719	517
A. B. 647	517
A. B. 564	517
A. B. 338	517
A. B. 82	517
A. B. 501	517
A. B. 44	518
A. B. 622	518
A. B. 476	518
A. B. 621	518
A. B. 636	518
A. B. 519	518
A. B. 608	519
A. B. 451	519
A. B. 702	525
A. B. 554 (entered as S. B. 554)	525
A. B. 393	532
A. B. 500	533
A. B. 239	533
A. B. 578	534
A. B. 626	541
A. B. 776	542
A. B. 775	542
A. B. 752	542
A. B. 263	548
A. B. 488	548
A. B. 292	549
A. B. 456	549
A. B. 723	554
A. C. R. 56	556
A. B. 771	556
A. B. 789	556
A. B. 777	556
A. B. 671	557
A. B. 791	557
A. C. R. 55	557
A. C. R. 17	557
A. B. 568	559
A. B. 486	560
A. C. R. 53	560
A. B. 502	561
A. B. 457	561
A. B. 745	562
A. B. 587	562
A. B. 732	562
A. B. 681	562
A. B. 703	563
A. B. 463	563

ASSEMBLY BILLS, RESOLUTIONS, ETC., PASSED. A. B. 657	563
A. B. 733	563
A. B. 576	563
A. B. 422	563
A. B. 787	563
A. B. 690	564
A. B. 78	564
A. B. 683	564
A. B. 653	564
Sub. for A. B. 390	566
A. B. 549	566
A. B. 726	566
A. B. 778	566
A. B. 792	571
A. B. 131	572
A. B. 695	573
A. B. 700	574
A. B. 711	574
A. B. 712	574
A. B. 546	575
A. B. 407	576
A. B. 782	576
A. B. 482	577
A. B. 537	578
A. B. 758	578
A. B. 746	579
A. B. 632	579
A. B. 800	581
A. B. 807	581
A. B. 805	581
A. B. 641	581
A. C. R. 36	582
A. B. 675	583
A. B. 658	584
A. B. 605	585
A. B. 548	587
A. B. 517	589
A. B. 326	590
A. B. 631	591
A. B. 517	593
A. B. 704	593
A. B. 648 (printed S. B. 648)	593
A. B. 567	594
A. B. 713	598
A. B. 517	598
A. B. 484	598
A. B. 808	600
A. B. 809	600
A. B. 421	600
A. B. 504	601
A. B. 202	601
A. B. 358	603
A. B. 757	605
A. B. 76	605
A. B. 618	606
A. B. 419	606
A. B. 728	607
A. B. 672	607
A. B. 169	607
A. B. 769	607
A. B. 401	607
A. B. 770	608
A. B. 614	608
A. B. 478	608
A. B. 565	608
A. B. 766	608
A. B. 768	608
A. B. 371	609
A. B. 710	609
A. B. 334	609
A. B. 679	609
A. B. 333	609
A. B. 598	609



ASSEMBLY BILLS, RESOLUTIONS, ETC., PASSED. A. B. 763	609
A. B. 590	610
A. B. 773	610
A. B. 686	610
A. B. 802	610
A. B. 806	610
A. B. 804	610
A. B. 810	614
A. B. 814	617
A. C. R. 60	618
A. C. R. 61	618
A. B. 716	620
A. B. 652	620
A. B. 294	621
A. C. R. 62	629
A. B. 816	629
A. B. 533	629
A. C. R. 63	632
A. B. 798	632
A. B. 420	632
A. B. 506	634
A. C. R. 64	635
A. C. R. 66	637
ASSEMBLY MESSAGES. Relative to organization	11
Adoption of S. J. R. 1	12
Adoption of S. J. R. 4	14
Passage of S. B. 7	16
Adoption of A. J. R. 1	16
Adoption of S. J. R. 6	16
Adoption of S. J. R. 7	55
Adoption of S. J. R. 8	55
Adoption of S. J. R. 9	55
Passage of A. B. 1	64
Adoption of A. J. R. 3	64
Adoption of S. C. R. 11	64
Passage of S. B. 36	68
Passage of A. B. 17	68
Passage of A. B. 7	68
Passage of S. B. 17	69
Passage of A. B. 46	71
Relative to joint committee on San Francisco water rates	72
Relative to joint committee on printing	72
Passage of substitute for S. B. 35	72
Passage of A. B. 26	75
Passage of A. B. 54	75
Passage of A. B. 52	75
Passage of A. B. 67	76
Adoption of A. C. R. relative to adjournment over holidays	76
Adoption of A. J. R. 12, relative to mail service on route 46,138	83
Adoption of A. C. R. 13, relative to printing Governor's Message in Spanish	83
Adoption of A. C. R. 16	92
Passage of A. B. 27	100
Passage of A. B. 29	100
Passage of A. B. 51	100
Passage of A. B. 56	100
Passage of A. B. 49	107
Passage of A. B. 55	107
Passage of A. B. 60	107
Passage of A. B. 62	107
Passage of A. B. 74	107
Passage of A. B. 151	107
Passage of S. B. 6	107
Passage of S. B. 91	107
Passage of S. B. 105	107
Adoption of A. C. R. 7	107
Passage of A. B. 6	113
Passage of A. B. 42	113
Passage of A. B. 43	113
Passage of A. B. 71	113
Passage of A. B. 35	118
Passage of A. B. 44	118
Passage of A. B. 45	118
Passage of A. B. 90	118

ASSEMBLY MESSAGES. Passage of A. B. 94 .....	118
Passage of A. B. 138 .....	118
Passage of A. B. 92 .....	118
Passage of A. B. 99 .....	123
Adoption of A. C. R. 20 .....	123
Passage of A. B. 24 .....	125
Passage of A. B. 114 .....	126
Passage of A. B. 116 .....	126
Passage of A. B. 20 .....	131
Passage of A. B. 21 .....	131
Passage of A. B. 69 .....	131
Passage of A. B. 163 .....	131
Passage of A. B. 30 .....	131
Adoption of A. C. R. 6 .....	131
Passage of S. B. 11 .....	131
Passage of S. B. 32 .....	131
Passage of S. B. 42 .....	131
Passage of S. B. 55 .....	131
Passage of A. B. 10 .....	131
Adoption of A. C. R. 19 .....	131
Passage of A. B. 160 .....	131
Passage of A. B. 183 .....	131
Passage of A. B. 166 .....	137
Passage of S. B. 207 .....	137
Adoption of S. C. R. 18 .....	137
Passage of A. B. 57 .....	139
Passage of A. B. 175 .....	139
Passage of A. B. 153 .....	139
Passage of A. B. 129 .....	145
Passage of A. B. 159 .....	145
Adoption of A. C. R. 14 .....	145
Passage of A. B. 63 .....	154
Passage of A. B. 78 .....	154
Passage of A. B. 70 .....	154
Passage of S. B. 33 .....	154
Passage of S. B. 79 .....	154
Passage of S. B. 53 .....	154
Passage of S. B. 126 .....	154
Adoption of A. C. R. 24 .....	154
Relative to appointment of Centennial Committee .....	154
Passage of A. B. 11 .....	160
Passage of A. B. 53 .....	160
Passage of A. B. 60 .....	160
Passage of A. B. 64 .....	160
Passage of A. B. 136 .....	160
Passage of S. B. 29 .....	160
Passage of S. B. 65 .....	160
Passage of S. B. 89 .....	160
Adoption of S. C. R. 7 .....	160
Adoption of S. J. R. 14 .....	160
Passage of A. B. 154 .....	164
Passage of A. B. 199 .....	164
Passage of A. B. 144 .....	164
Passage of A. B. 119 .....	167
Passage of A. B. 120 .....	167
Passage of A. B. 159 .....	167
Passage of A. B. 190 .....	167
Passage of A. B. 162 .....	167
Passage of A. B. 22 .....	167
Passage of A. B. 186 .....	167
Passage of A. B. 189 .....	167
Passage of A. B. 200 .....	167
Passage of S. B. 120 .....	167
Passage of A. B. 227 .....	167
Passage of S. B. 84 .....	167
Passage of S. B. 85 .....	167
Passage of S. B. 190 .....	167
Passage of S. B. 191 .....	167
Passage of A. B. 274 .....	167
Passage of A. B. 203 .....	167
Passage of A. B. 46 .....	167
Concurred in Senate amendments to A. B. 159 .....	175
Passage of A. B. 141 .....	181

ASSEMBLY MESSAGES. Passage of A. B. 270 .....	181
Passage of S. B. 268 .....	181
Passage of A. B. 68 .....	181
Refused to pass S. B. 130 .....	181
Passage of A. B. 219 .....	189
Passage of S. B. 261 .....	189
Passage of S. B. 269 .....	189
Concurred in Senate amendments to A. B. 60 and A. B. 144 .....	189
Resolution requesting return of A. B. 235, for amendment .....	192
Passage of A. B. 118 .....	192
Passage of A. B. 131 .....	192
Indefinite postponement of S. B. 46 .....	192
Indefinite postponement of S. B. 50 .....	192
Passage of A. B. 235 .....	192
Passage of A. B. 261 .....	192
Passage of A. B. 142 .....	192
Passage of A. B. 216 .....	192
Passage of A. B. 4 .....	193
Passage of A. B. 192 .....	193
Passage of A. B. 195 .....	193
Passage of S. B. 40 .....	193
Passage of A. B. 173 .....	193
Passage of A. B. 38 .....	193
Passage of A. B. 117 .....	193
Indefinite postponement of S. B. 189 .....	193
Passage of A. B. 19 .....	197
Passage of A. B. 39 .....	197
Passage of A. B. 122 .....	197
Passage of A. B. 184 .....	197
Passage of A. B. 197 .....	197
Adoption of A. C. R. 23 .....	197
Adoption of A. C. R. 4 .....	197
Passage of S. B. 74 .....	197
Adoption of A. C. R. 25 .....	205
Passage of A. B. 169 .....	209
Passage of S. B. 68 .....	209
Passage of S. B. 124 .....	209
Passage of S. B. 173 .....	209
Refused to pass S. B. 67 .....	209
Indefinite postponement of S. B. 95 .....	209
Appointment of committee on A. C. R. 25 .....	209
Passage of A. B. 146 .....	212
Passage of A. B. 212 .....	212
Passage of A. B. 298 .....	212
Concurred in Senate amendments to A. B. 90, 140, and 261 .....	212
Passage of A. B. 103 .....	218
Passage of A. B. 209 .....	218
Passage of S. B. 183 .....	218
Passage of S. B. 157 .....	218
Passage of S. B. 202 .....	218
Passage of S. B. 299 .....	219
Concurred in S. J. R. 21 .....	219
Passage of A. B. 148 .....	227
Passage of A. B. 177 .....	227
Passage of A. B. 180 .....	227
Passage of A. B. 202 .....	227
Passage of A. B. 238 .....	227
Passage of A. B. 239 .....	227
Passage of A. B. 244 .....	227
Passage of A. B. 266 .....	227
Passage of A. B. 304 .....	227
Passage of A. B. 305 .....	227
Passage of A. B. 307 .....	227
Passage of A. B. 268 .....	227
Adoption of A. C. R. 22 .....	227
Passage of A. B. 214 .....	227
Passage of A. B. 230 .....	227
Passage of A. B. 280 .....	227
Passage of A. B. 282 .....	227
Adoption of A. C. R. 9 .....	227
Passage of A. B. 262 .....	227
Passage of A. B. 291 .....	227
Adoption of A. C. R. 26 .....	227

ASSEMBLY MESSAGES. Passage of A. B. 231.....	227
Passage of A. B. 241.....	227
Passage of A. B. 246.....	227
Passage of A. B. 250.....	227
Passage of A. B. 295.....	227
Passage of A. B. 314.....	228
Passage of A. B. 315.....	228
Passage of A. B. 338.....	228
Passage of A. B. 296.....	228
Passage of A. B. 2.....	228
Passage of substitute for A. B. 235.....	228
Passage of substitute for A. B. 285.....	228
Concurred in Senate amendments to A. B. 27 and 274.....	228
Passage of S. B. 181.....	233
Passage of S. B. 166.....	234
Passage of S. B. 241.....	234
Passage of S. B. 201.....	234
Passage of A. B. 59.....	234
Passage of A. B. 40.....	234
Passage of A. B. 223.....	234
Passage of A. B. 111.....	234
Passage of A. B. 126.....	234
Passage of A. B. 115.....	234
Passage of A. B. 25.....	234
Passage of A. B. 104.....	234
Passage of A. B. 8.....	234
Passage of A. B. 263.....	234
Passage of A. B. 133.....	234
Passage of S. B. 159.....	234
Refused to pass S. B. 128.....	234
Passage of S. B. 204.....	234
Passage of S. B. 98.....	234
Passage of S. B. 224.....	234
Passage of S. B. 222.....	234
Passage of S. B. 220.....	234
Passage of S. B. 247.....	234
Passage of S. B. 267.....	234
Passage of S. B. 108.....	234
Passage of S. B. 205.....	234
Passage of A. B. 185.....	234
Concurred in Senate amendments to A. B. 214.....	234
Concurred in Senate amendments to A. B. 71.....	234
Passage of A. B. 287.....	240
Passage of A. B. 102.....	240
Adoption of A. C. R. 27.....	240
Passage of A. B. 102.....	240
Passage of A. B. 215.....	240
Passage of A. B. 233.....	240
Returning substitute for A. B. 24.....	240
Passage of A. B. 58.....	240
Passage of A. B. 347.....	240
Passage of A. B. 367.....	240
Passage of A. B. 375.....	240
Passage of A. B. 80.....	240
Passage of A. B. 205.....	240
Passage of A. B. 147.....	240
Adoption of S. C. R. 19.....	240
Passage of A. B. 34.....	242
Passage of A. B. 312.....	242
Passage of S. B. 303.....	242
Passage of S. B. 239.....	242
Passage of S. B. 298.....	242
Passage of S. B. 235.....	242
Passage of substitute for S. B. 94.....	243
Refused to pass S. B. 228.....	243
Indefinite postponement of S. C. R. 12.....	243
Passage of A. B. 303.....	245
Passage of A. B. 325.....	245
Passage of A. B. 373.....	245
Passage of A. B. 381.....	245
Passage of A. B. 302.....	253
Passage of A. B. 234.....	253
Passage of A. B. 278.....	253



ASSEMBLY MESSAGES. Passage of S. B. 38.....	253
Return to Senate of S. C. R. 24.....	253
Passage of A. B. 323.....	253
Passage of A. B. 329.....	253
Passage of A. B. 326.....	253
Passage of A. B. 319.....	253
Passage of A. B. 220.....	253
Passage of A. B. 313.....	253
Passage of A. B. 308.....	253
Passage of A. B. 273.....	253
Adoption of S. C. R. 17.....	253
Adoption of S. J. R. 20.....	253
Adoption of S. J. R. 2.....	253
Passage of S. B. 229.....	253
Passage of S. B. 223.....	253
Passage of S. B. 81.....	253
Passage of S. B. 100.....	253
Passage of S. B. 196.....	253
Passage of A. B. 194.....	257
Passage of A. B. 368.....	257
Passage of A. B. 279.....	257
Passage of A. B. 225.....	257
Passage of S. B. 219.....	257
Concurred in Senate amendments to A. B. 291.....	257
Adoption of S. C. R. 26.....	257
Adoption of S. C. R. 27.....	257
Adoption of S. C. R. 28.....	257
Passage of S. B. 15.....	263
Passage of A. B. 178.....	263
Passage of S. B. 121.....	263
Passage of A. B. 408.....	263
Passage of A. B. 394.....	266
Passage of S. B. 250.....	266
Passage of S. B. 213.....	272
Passage of S. B. 254.....	272
Passage of A. B. 342.....	279
Concurred in Senate amendments to A. B. 323.....	279
Passed substitute for S. B. 75.....	279
Passage of S. B. 335.....	279
Passage of S. B. 298.....	282
Amendment and passage of S. B. 169.....	282
Amendment and passage of S. B. 56.....	283
Passage of S. B. 149.....	283
Adoption of A. C. R. 38.....	283
Passage of A. B. 113.....	283
Passage of A. B. 324.....	289
Passage of A. B. 75.....	289
Passage of A. B. 165.....	289
Passage of A. B. 424.....	289
Passage of A. B. 429.....	289
Passage of A. B. 294.....	289
Passage of S. B. 331.....	289
Passage of S. B. 271.....	290
Refused to pass S. B. 31.....	290
Returning A. B. 178.....	290
Passage of A. B. 464.....	296
Concurred in Senate amendments to A. B. 64, 219, 314, and 315.....	296
Returning A. B. 268 to Senate.....	296
Passage of A. B. 366.....	296
Passage of A. B. 426.....	296
Passage of A. B. 428.....	296
Passage of A. B. 277.....	296
Passage of A. B. 434.....	296
Passage of A. B. 320.....	296
Passage of A. B. 344.....	296
Passage of S. B. 146.....	296
Amended and passed S. B. 215.....	297
Passage of S. B. 231.....	297
Adopted S. C. R. 32.....	297
Passage of substitute for A. B. 73.....	306
Indefinitely postponed S. B. 238.....	306
Passage of A. B. 289.....	306
Passage of A. B. 340.....	306

ASSEMBLY MESSAGES. Adoption of A. C. R. 31	306
Adoption of A. C. R. 28	306
Passage of S. B. 436	306
Adoption of S. C. R. 35	315
Passage of A. B. 317	316
Passage of A. B. 210	325
Passage of A. B. 355	325
Passage of A. B. 377	325
Passage of A. B. 414	325
Passage of A. B. 469	325
Passage of A. B. 66	325
Passage of A. B. 79	325
Passage of A. B. 271	325
Passage of A. B. 276	325
Passage of A. B. 321	325
Passage of A. B. 388	325
Passage of A. B. 392	325
Passage of A. B. 416	325
Passage of A. B. 444	325
Adoption of A. C. R. 33	325
Adoption of A. C. R. 37	325
Passage of S. B. 140	325
Passage of substitute for S. B. 43	325
Passage of S. B. 197	325
Passage of S. B. 249	326
Passage of S. B. 212	326
Adoption of S. J. R. 33	326
Adoption of S. C. R. 22	326
Adoption of S. C. R. 25	326
Transmission of minority report of House Committee under A. C. R. 25	326
Inviting the Senate to attend exhibition of the pupils of the Asylum for the Deaf, Dumb, and the Blind	326
Passage of A. B. 491	338
Passage of A. B. 496	338
Passage of A. B. 378	338
Passage of A. B. 112	338
Passage of A. B. 249	338
Passage of A. B. 483	338
Concurred in Senate amendments to A. B. 40, 154, 212, 227, 262, 273, and 312, and receded from its amendments to S. B. 215	338
Passage of A. B. 499	338
Passage of A. B. 284	338
Passage of A. B. 341	338
Passage of A. B. 399	338
Passage of A. B. 404	338
Passage of A. B. 400	338
Passage of A. B. 417	338
Passage of A. B. 453	338
Passage of A. B. 475	339
Passage of A. B. 76	339
Passage of A. B. 221	339
Concurred in Senate amendments to A. B. 195 and 375	339
Passage of S. B. 266	339
Passage of A. B. 523	339
Passage of A. B. 182	339
Passage of S. B. 376	350
Passage of S. B. 446	350
Passage of S. B. 447	350
Concurred in S. C. R. 37	351
Concurred in Senate amendments to A. B. 464	351
Passage of A. B. 349	351
Passage of A. B. 134	351
Passage of A. B. 37	351
Passage of S. B. 216	351
Passage of S. B. 240	351
Passage of S. B. 352	351
Indefinite postponement of S. B. 160	351
Indefinite postponement of S. B. 337	351
Adoption of A. C. R. 40	358
Passage of A. B. 440	358
Passage of A. B. 15	358

ASSEMBLY MESSAGES. Passage of A. B. 130.....	358
Passage of A. B. 369.....	358
Passage of A. B. 421.....	358
Passage of A. B. 452.....	358
Passage of A. B. 242.....	358
Passage of A. B. 460.....	358
Passage of A. B. 455.....	358
Passage of A. B. 431.....	358
Passage of A. B. 471.....	358
Passage of A. B. 504.....	358
Passage of A. B. 539.....	358
Passage of S. B. 343.....	358
Passage of A. B. 292.....	359
Passage of A. B. 224.....	359
Passage of A. B. 525.....	371
Passage of A. B. 535.....	371
Passage of A. B. 396.....	371
Passage of A. B. 514.....	371
Passage of A. B. 386.....	371
Passage of S. B. 195.....	371
Passage of A. B. 552.....	371
Passage of A. B. 553.....	371
Passage of A. B. 554.....	371
Passage of S. B. 387.....	371
Passage of A. B. 573.....	375
Passage of A. B. 438.....	375
Passage of A. B. 497.....	375
Passage of A. B. 519.....	375
Passage of A. B. 574.....	375
Passage of A. B. 402.....	375
Passage of A. B. 275.....	375
Passage of A. B. 407.....	375
Passage of A. B. 236.....	375
Passage of A. B. 168.....	375
Passage of S. B. 248.....	375
Passage of S. B. 316.....	375
Concurred in Senate amendments to A. B. 215.....	375
Passage of A. B. 236.....	381
Passage of A. B. 332.....	381
Passage of A. B. 568.....	381
Passage of A. B. 544.....	381
Passage of A. B. 593.....	381
Passage of A. B. 596.....	385
Passage of S. B. 242.....	385
Passage of S. B. 429.....	385
Passage of A. B. 110.....	390
Passage of A. B. 410.....	390
Passage of A. B. 476.....	390
Passage of A. B. 487.....	390
Passage of A. B. 492.....	390
Passage of A. B. 518.....	390
Passage of A. B. 563.....	390
Adoption of A. C. R. 39.....	390
Passage of A. B. 566.....	393
Passage of A. B. 615.....	393
Passage of A. B. 374.....	393
Passage of S. B. 101.....	397
Passage of A. B. 599.....	401
Passage of A. B. 600.....	401
Passage of A. B. 468.....	401
Passage of substitute for A. B. 82.....	401
Passage of A. B. 446.....	401
Passage of A. B. 425.....	401
Passage of A. B. 450.....	401
Passage of A. B. 486.....	401
Passage of A. B. 461.....	401
Passage of A. B. 479.....	401
Passage of A. B. 480.....	401
Passage of A. B. 465.....	401
Passage of A. B. 466.....	401
Passage of A. B. 467.....	401
Passage of A. B. 286.....	401
Passage of A. B. 536.....	401

ASSEMBLY MESSAGES. Passage of A. B. 458.....	401
Passage of A. B. 423.....	402
Concurred in Senate amendments to A. B. 287, 332, 400, and 453.....	402
Adopted S. C. R. 32.....	402
Passage of substitute for A. B. 259.....	402
Passage of A. B. 633.....	402
Passage of A. B. 492.....	402
Passage of A. B. 380.....	402
Passage of S. B. 353.....	402
Passage of A. B. 609.....	411
Passage of A. B. 501.....	411
Passage of A. B. 638.....	411
Passage of A. B. 357.....	411
Passage of A. B. 571.....	411
Passage of A. B. 577.....	411
Passage of A. B. 520.....	411
Passage of A. B. 588.....	411
Passage of A. B. 478.....	411
Passage of A. B. 578.....	411
Passage of S. B. 245.....	411
Passage of S. B. 185.....	411
Passage of S. B. 104.....	412
Passage of S. B. 251.....	412
Passage of S. B. 417.....	412
Passage of S. B. 350.....	412
Adopted S. C. R. 13.....	412
Amended and passed S. B. 135.....	412
Passage of substitute for S. B. 252.....	412
Passage of S. B. 54.....	412
Passage of S. B. 310.....	412
Passage of S. B. 309.....	412
Passage of S. B. 256.....	412
Passage of S. B. 398.....	412
Passage of S. B. 472.....	412
Amended and passed S. B. 275.....	412
Concurred in Senate amendments to A. B. 231, 278, 377, and 496.....	412
Passage of A. B. 575.....	432
Passage of S. B. 465.....	432
Passage of S. B. 396.....	432
Passage of S. B. 369.....	432
Passage of S. B. 450.....	432
Passage of S. B. 277.....	432
Passage of S. B. 425.....	432
Passage of substitute for S. B. 435.....	432
Passage of A. B. 664.....	432
Concurred in Senate amendments to A. B. 536, 525, 320, and 440.....	432
Refused to concur in Senate amendment to A. B. 79, and appointed a Committee of Conference.....	432
Refused to recede from its amendments to S. B. 275, and appointed a Committee of Conference.....	433
Passage of S. B. 225.....	433
Passage of A. B. 663.....	433
Passage of A. B. 500.....	433
Passage of A. B. 585.....	433
Passage of A. B. 283.....	433
Passage of A. B. 328.....	433
Passage of A. B. 443.....	433
Passage of A. B. 457.....	433
Passage of A. B. 422.....	433
Passage of A. B. 513.....	433
Passage of A. B. 526.....	433
Passage of A. B. 541.....	433
Passage of A. B. 613.....	433
Passage of A. B. 627.....	433
Passage of A. B. 583.....	433
Passage of S. B. 457.....	433
Passage of S. B. 502.....	433
Passage of S. B. 484.....	433
Passage of A. B. 463.....	433
Passage of S. B. 566.....	434
Passage of A. B. 636.....	434
Passage of S. B. 571.....	434
Passage of S. B. 394.....	434



ASSEMBLY MESSAGES. Passage of A. B. 418	434
Passage of A. B. 550	434
Passage of A. B. 565	434
Passage of A. B. 564	434
Passage of A. B. 502	434
Passage of A. B. 495	434
Passage of A. B. 510	434
Passage of A. B. 506	434
Passage of A. B. 462	434
Passage of A. B. 420	434
Passage of A. B. 558	434
Passage of A. B. 623	434
Passage of A. B. 415	434
Passage of A. B. 532	434
Passage of A. B. 565	434
Passage of A. B. 459	434
Passage of A. B. 537	434
Passage of A. B. 361	434
Passage of A. B. 507	434
Passage of A. B. 570	434
Passage of A. B. 530	434
Passage of A. B. 546	434
Passage of A. B. 625	434
Passage of A. B. 666	434
Passage of S. B. 304	434
Passage of S. B. 459	434
Passage of S. B. 461	434
Passage of A. B. 447	447
Passage of S. B. 533	447
Passage of S. B. 567	447
Amended and passed S. B. 178	447
Passage of A. B. 621	447
Passage of A. B. 642	447
Passage of A. B. 662	447
Passage of S. B. 516	447
Passage of S. B. 517	447
Passage of S. B. 541	447
Passage of S. B. 555	448
Concurred in Senate amendments to A. B. 221	448
Passage of A. B. 693	448
Passage of S. B. 379	448
Passage of S. B. 339	448
Passage of S. B. 333	448
Passage of S. B. 324	448
Passage of S. B. 37	448
Adoption of S. C. R. 29	448
Passage of A. B. 137	448
Passage of A. B. 393	448
Passage of A. B. 473	448
Passage of A. B. 527	448
Passage of A. B. 531	448
Passage of substitute for A. B. 157 and 158	448
Passage of A. B. 688	448
Passage of A. B. 676	448
Passage of A. B. 614	448
Passage of S. B. 377	448
Passage of S. B. 378	448
Passage of S. B. 405	448
Passage of S. B. 143	448
Passage of A. B. 670	454
Passage of A. B. 695	454
Passage of A. B. 505	454
Passage of S. B. 448	454
Passage of S. B. 360	454
Passage of S. B. 186	454
Passage of S. B. 57	454
Passage of S. B. 570	454
Passage of S. B. 561	454
Passage of S. B. 548	454
Indefinitely postponed S. B. 486	454
Concurred in Senate amendments to A. B. 633	454
Passage of A. B. 489	459
Passage of A. B. 653	459

ASSEMBLY MESSAGES. Passage of A. B. 608.....	459
Passage of A. B. 622.....	459
Passage of A. B. 707.....	460
Passage of A. B. 376.....	466
Passage of S. B. 473.....	466
Amended and passed S. B. 380.....	466
Adopted A. C. R. 46.....	467
Recommending Senate to recede from its amendments to A. B. 79.....	467
Passage of substitute for A. B. 41.....	467
Passage of A. B. 545.....	467
Passage of A. B. 706.....	467
Passage of S. B. 477.....	467
Passage of A. B. 719.....	468
Passage of A. B. 720.....	469
Passage of A. B. 657.....	469
Adoption of A. C. R. 47.....	469
Passage of S. B. 317.....	469
Amended and passed S. B. 109.....	469
Passage of A. B. 661.....	482
Passage of A. B. 669.....	482
Passage of A. B. 681.....	482
Passage of A. B. 191.....	482
Passage of A. B. 356.....	482
Passage of A. B. 442.....	482
Passage of A. B. 451.....	482
Passage of A. B. 481.....	482
Passage of A. B. 533.....	482
Passage of A. B. 542.....	482
Passage of A. B. 587.....	482
Passage of A. B. 567.....	482
Passage of A. B. 730.....	482
Passage of A. B. 729.....	482
Passage of A. B. 731.....	482
Passage of A. B. 732.....	482
Passage of A. B. 733.....	482
Passage of A. B. 703.....	482
Passage of A. B. 717.....	482
Passage of A. B. 655.....	482
Adoption of A. C. R. 43.....	482
Passage of S. B. 439.....	483
Adoption of S. C. R. 43.....	483
Concurred in Senate amendment to A. B. 520.....	483
Passage of A. B. 746.....	483
Passage of A. B. 723.....	483
Indefinitely postponed substitute for S. B. 23 and 205.....	483
Refused to pass S. B. 315.....	483
Indefinitely postponed S. B. 373.....	483
Passage of A. B. 549.....	487
Passage of substitute for A. B. 390.....	487
Passage of A. B. 745.....	487
Adoption of A. C. R. 48.....	487
Passage of S. B. 589.....	487
Indefinitely postponed S. B. 276.....	487
Refused to recede from amendments to S. B. 43, and appointed a Committee of Conference.....	487
Passage of A. B. 89.....	496
Passage of A. B. 710.....	496
Passage of A. B. 752.....	496
Passage of S. B. 568.....	496
Passage of S. B. 103.....	496
Passage of A. B. 635.....	496
Passage of S. B. 44.....	496
Passage of S. B. 325.....	496
Amended and passed S. B. 521.....	496
Passage of A. B. 632.....	497
Passage of A. B. 668.....	497
Adoption of S. C. R. 45.....	497
Refused to concur in Senate amendments to A. B. 73.....	497
Concurred in Senate amendment to A. B. 404.....	497
Passage of A. B. 516.....	497
Passage of S. B. 64.....	497
Passage of S. B. 286.....	497
Passage of S. B. 388.....	497

ASSEMBLY MESSAGES. Passage of S. B. 524.....	497
Passage of A. B. 699.....	497
Passage of A. B. 755.....	497
Passage of S. B. 300.....	497
Passage of A. B. 582.....	509
Passage of A. B. 584.....	509
Passage of A. B. 586.....	509
Adoption of A. J. R. 51.....	509
Concurred in S. C. R. 46.....	509
Passage of substitute for S. B. 24.....	509
Amended and passed S. B. 145.....	509
Concurred in Senate amendments to A. B. 277, 341, 183, 730, and 58.....	509
Refused to concur in Senate amendment to section two of A. B. 45.....	509
Amended and passed S. B. 134.....	514
Amended and passed S. B. 289.....	514
Passage of two substitutes for S. B. 443.....	514
Amended and passed substitute for S. B. 529.....	514
Passage of A. B. 711.....	515
Passage of A. B. 712.....	515
Concurred in Senate amendments to A. B. 8, 130, 266, 321, 416, 415, 458, 552, 526, and 530, and receded from its amendments to S. B. 300.....	515
Passage of S. B. 491.....	515
Passage of S. B. 632.....	515
Adopted Senate resolution to return A. B. 554.....	515
Passage of A. B. 770.....	525
Passage of A. B. 708.....	525
Passage of substitute for A. B. 722.....	525
Passage of A. B. 758.....	525
Passage of A. B. 757.....	525
Amended and passed S. B. 466.....	525
Passage of S. B. 575.....	525
Passage of S. B. 586.....	525
Passage of S. B. 713.....	525
Passage of A. B. 725.....	525
Passage of A. B. 611.....	525
Passage of A. B. 433.....	539
Passage of S. B. 290.....	539
Passage of S. B. 291.....	539
Passage of S. B. 629.....	539
Passage of S. B. 496.....	539
Passage of A. B. 631.....	539
Receded from its amendment to S. B. 289.....	539
Passage of A. B. 579.....	539
Passage of A. B. 358.....	539
Passage of A. B. 371.....	539
Passage of A. B. 427.....	539
Passage of A. B. 456.....	540
Passage of A. B. 581.....	540
Passage of S. B. 460.....	540
Passage of A. B. 644.....	540
Passage of A. B. 646.....	540
Passage of A. B. 690.....	540
Passage of A. B. 482.....	540
Refused to pass S. B. 462.....	540
Return of S. B. 431.....	540
Passage of S. B. 413.....	540
Passage of A. B. 651.....	540
Passage of A. B. 765.....	540
Passage of A. B. 766.....	540
Passage of A. B. 768.....	540
Passage of A. B. 748.....	540
Passage of S. B. 320.....	540
Passage of S. B. 430.....	540
Passage of S. B. 455.....	540
Passage of S. B. 519.....	540
Passage of S. B. 627.....	540
Passage of S. B. 538.....	540
Concurred in Senate amendments to A. B. 229, 393, 491, 500, 501, 52, and 554.....	540
Refused to recede from its amendments to A. B. 45, and appointed a Committee of Conference.....	540
Adopted resolution with reference to S. B. 134.....	540
Passage of A. B. 626.....	541
Passage of A. B. 605.....	541

ASSEMBLY MESSAGES. Passage of A. B. 776.....	541
Passage of A. B. 775.....	541
Passage of substitute for A. B. 700.....	541
Passage of A. B. 726.....	541
Refused to recede from its amendments to S. B. 134, and appointed a Committee of Conference.....	546
Amended and passed S. B. 8.....	546
Passage of S. B. 12.....	546
Passage of S. B. 383.....	546
Passage of S. B. 412.....	546
Passage of S. B. 597.....	546
Requesting return of S. B. 597.....	551
On motion to indefinitely postpone S. B. 399.....	551
Passage of A. B. 671.....	554
Passage of A. B. 333.....	554
Passage of A. B. 334.....	554
Passage of A. B. 568.....	554
Passage of A. B. 778.....	554
Passage of A. B. 787.....	554
Adoption of A. C. R. 52.....	554
Adoption of A. C. R. 41.....	554
Adoption of A. C. R. 54.....	554
Adoption of S. C. R. 53.....	554
Passage of A. B. 774.....	554
Passage of A. B. 777.....	554
Passage of A. B. 680.....	555
Passage of A. B. 594.....	555
Passage of A. B. 683.....	555
Passage of A. B. 679.....	555
Passage of A. B. 597.....	555
Passage of A. B. 786.....	555
Passage of S. B. 638.....	555
Indefinitely postponed S. B. 547.....	555
Passed substitute for S. B. 494.....	555
Adoption of A. C. R. 55.....	555
Amended and adopted Senate substitute for A. B. 289.....	555
Passage of A. B. 771.....	555
Passage of A. B. 789.....	555
Amended and passed S. B. 99.....	555
Passage of S. B. 527.....	555
Passage of S. B. 546.....	555
Passage of A. B. 517.....	555
Passage of A. B. 763.....	555
Passage of A. B. 572.....	555
Passage of A. B. 598.....	555
Adoption of A. C. R. 17.....	556
Adoption of A. J. R. 56.....	556
Passage of A. B. 791.....	556
Passage of A. B. 648.....	568
Passage of S. B. 642.....	568
Passage of A. B. 401.....	568
Passage of A. B. 783.....	568
Passage of A. B. 792.....	568
Passage of S. B. 402.....	568
Passage of S. B. 618.....	568
Passage of S. B. 492.....	568
Passage of A. B. 479.....	569
Passage of S. B. 530.....	569
Passage of S. B. 615.....	569
Passage of S. B. 637.....	569
Passage of S. B. 639.....	569
Passage of S. B. 523.....	569
Passage of substitute for S. B. 628.....	569
Passage of A. B. 785.....	569
Passage of S. B. 630.....	569
Indefinitely postponed S. B. 305.....	569
Refused to concur in Senate amendment to A. B. 292.....	569
Passage of A. B. 610.....	569
Passage of A. B. 675.....	569
Passage of S. B. 301.....	569
Passage of S. B. 504.....	569
Passage of S. B. 622.....	569
Passage of S. B. 312.....	569



ASSEMBLY MESSAGES. Passage of S. B. 391.....	569
Adoption of A. C. R. 50.....	569
Adoption of S. C. R. 42.....	569
Receded from amendments to S. B. 344.....	569
Passage of A. B. 590.....	569
Passage of A. B. 618.....	569
Passage of A. B. 689.....	570
Passage of A. B. 694.....	570
Passage of A. B. 728.....	570
Passage of A. B. 672.....	570
Passage of A. B. 773.....	570
Passage of A. B. 484.....	570
Passage of substitute for S. B. 432.....	570
Passage of S. B. 476.....	570
Passage of S. B. 385.....	570
Passage of S. B. 384.....	570
Amended and passed S. B. 244.....	570
Passage of S. B. 445.....	570
Passage of S. B. 221.....	570
Passage of S. B. 194.....	570
Passage of S. B. 590.....	570
Passage of Senate substitute for A. B. 444.....	570
Concurred in Senate amendments to A. B. 45, 44, 263, 671, 463, 144, and 486.....	570
Amended and passed S. B. 549.....	570
Passage of A. B. 782.....	570
Passage of A. B. 769.....	570
Amended and passed S. B. 585.....	570
Requesting return of S. B. 599 for correction.....	575
Passage of A. B. 714.....	580
Passage of A. B. 641.....	580
Passage of A. B. 744.....	580
Passage of S. B. 287.....	580
Passage of S. B. 699.....	580
Concurred in Senate amendments to A. B. 549, 657, 786, and 789.....	580
Passage of S. B. 452.....	580
Receded from amendments to S. B. 134.....	580
Passage of A. B. 804.....	580
Passage of A. B. 806.....	580
Passage of A. B. 805.....	580
Passage of A. B. 800.....	580
Passage of A. B. 802.....	580
Passage of A. B. 548.....	580
Passage of A. B. 759.....	580
Passage of A. B. 639.....	580
Passage of A. B. 799.....	580
Passage of A. B. 807.....	581
Passage of A. B. 704.....	581
Passage of A. B. 561.....	581
Adoption of A. C. R. 49.....	581
Passage of A. B. 387.....	581
Adoption of A. C. R. 36.....	581
Passage of substitutes for S. B. 292.....	581
Passage of S. B. 522.....	581
Passage of S. B. 355.....	581
Amended and passed S. B. 474.....	581
Indefinite postponement of S. B. 52.....	581
Indefinite postponement of S. B. 177.....	581
Passage of S. B. 611.....	581
Passage of A. B. 419.....	586
Passage of A. B. 612.....	586
Passage of S. B. 115.....	586
Passage of S. B. 648.....	586
Amended and passed S. B. 540.....	586
Appointment of Committee of Conference on A. B. 292.....	586
Returned properly authenticated A. B. 548.....	586
Passage of A. B. 795.....	587
Passage of A. B. 772.....	587
Passage of S. B. 636.....	587
Passage of S. B. 156.....	587
Passage of S. B. 625.....	587
Passage of A. B. 767.....	587
Adoption of A. C. R. 42.....	587
Passage of S. B. 647.....	587

ASSEMBLY MESSAGES. Adoption of S. J. R. 57.....	587
Indefinitely postponed S. C. R. 59.....	587
Returning S. B. 599.....	587
Returning A. B. 517.....	592
Passage of A. B. 798.....	595
Adoption of S. C. R. 62.....	595
Passage of A. B. 617.....	595
Passage of A. B. 569.....	595
Passage of A. B. 809.....	595
Passage of substitute for S. B. 93.....	595
Passage of S. B. 358.....	595
Passage of S. B. 651.....	595
Passage of S. B. 646.....	595
Refused to pass S. B. 532.....	595
Indefinitely postponed S. B. 505.....	595
Passage of A. B. 724.....	595
Passage of A. B. 652.....	595
Adoption of A. J. R. 58.....	595
Adoption of S. C. R. 60.....	595
Concurred in Senate amendments to A. B. 658 and 328.....	595
Passage of A. B. 84.....	596
Passage of A. B. 454.....	596
Passage of A. B. 97.....	596
Passage of A. B. 682.....	596
Passage of A. B. 716.....	596
Passage of S. B. 483.....	596
Passage of A. B. 543.....	596
Passage of A. B. 522.....	596
Passage of A. B. 737.....	596
Adoption of S. C. R. 61.....	596
Concurred in Senate amendments to A. B. 605 and 675.....	596
Passage of A. B. 808.....	596
Passage of S. B. 217.....	596
Passage of S. B. 285.....	596
Passage of S. B. 326.....	596
Passage of S. B. 90.....	596
Passage of S. B. 372.....	596
Asking for return of S. B. 517.....	598
Adoption of A. C. R. 57.....	599
Passage of S. B. 580.....	599
Adoption of A. C. R. 59.....	599
Passage of S. B. 45.....	599
Passage of S. B. 653.....	599
Passage of S. B. 534.....	600
Concurring in Senate amendments to A. B. 517.....	606
Passage of S. B. 558.....	614
Passage of S. B. 634.....	614
Passage of S. B. 234.....	614
Adoption of joint report of State Prison Committee.....	614
Passage of A. B. 538.....	614
Passage of S. B. 490.....	614
Passage of S. B. 515.....	614
Passage of A. B. 810.....	614
Passage of A. B. 551.....	614
Passage of S. B. 626.....	614
Passage of S. B. 294.....	614
Passage of S. B. 643.....	614
Passage of S. B. 306.....	614
Passage of S. B. 480.....	614
Refused to pass S. B. 424.....	614
Refused to pass A. B. 814.....	614
Adopted A. C. R. 60.....	617
Adopted A. C. R. 61.....	617
Adopted S. C. R. 66.....	617
Adopted S. C. R. 65.....	617
Passage of S. B. 635.....	617
Passage of S. B. 621.....	617
Concurred in Senate amendments to A. B. 517.....	617
Transmitting report of Committee of Free Conference on A. B. 292.....	617
Passage of S. B. 82.....	628
Passage of S. B. 151.....	628

ASSEMBLY MESSAGES. Passage of S. B. 56.....	628
Passage of S. B. 440.....	628
Adoption of S. C. R. 62.....	628
Passage of S. B. 125.....	628
Passage of S. B. 329.....	628
Passage of S. B. 427.....	628
Returning S. B. 601.....	628
Passage of S. B. 641.....	628
Passage of A. B. 812.....	628
Passage of S. B. 180.....	629
Passage of A. B. 816.....	629
Adopted resolution requesting Senate to return S. B. 125.....	629
Amended and passed S. B. 659.....	629
Passage of S. B. 414.....	631
Amended and passed S. B. 649.....	631
Refused to pass S. B. 601.....	631
Adopted A. C. R. 63.....	631
Concurred in Senate amendments to A. B. 294.....	631
Amended and passed S. B. 489.....	631
Passage of S. B. 658.....	631
Passage of S. B. 660.....	631
Passage of S. B. 469.....	631
Passage of S. B. 536.....	631
Passage of S. B. 501.....	631
Indefinitely postponed S. B. 406.....	631
Passage of S. B. 614.....	635
Adoption of A. C. R. 64.....	635
Adoption of A. C. R. 65.....	635
Refused to pass S. B. 334.....	636
Refused to pass S. B. 506.....	636
Adoption of A. C. R. 66.....	636
AYES AND NOES. On election of officers.....	2-7
On reference of text-book bill to special committee.....	9
On consideration of S. B. 34.....	55
On providing members with newspapers and postage stamps.....	59
On indefinite postponement of matters relative to Chaplain.....	59
On substitute for resolution providing for appointment of Chaplain.....	60
On resolution in relation to same.....	64
On allowing Clerk to Hospital Committee.....	74
On amendment to A. C. R. on adjournment for holidays.....	76
On indefinite postponement of resolution relative to copying of Journal for printer.....	80
On adoption of resolution allowing Clerk to San Francisco delegation.....	80
On confirmation of B. B. Redding as Fish Commissioner.....	90
On confirmation of Thos. E. Ketchum, Brigadier-General Third Brigade.....	91
On confirmation of John McComb, Brigadier-General Second Brigade.....	92
On confirmation of W. T. Crowell, Brigadier-General Fourth Brigade.....	92
On confirmation of John W. Titecomb, Inspector of Gas Meters.....	92
On confirmation of James Coey, Major-General N. G. C.....	92
On adoption of A. C. R. 16.....	93
On official appointments.....	99, 100
On engrossment of S. B. 46.....	103
On appointment of Assistant Copying Clerks.....	105
On engrossment of S. B. 83.....	111
On passage of S. B. 31.....	116
On engrossment of S. B. 77.....	117
On indefinite postponement of S. B. 96.....	120
On granting Judiciary Committee extension of time to report S. C. R. 10.....	128
On referring S. B. 15 to special committee.....	128
On printing S. B. 15.....	128
On passage of S. B. 187 over Governor's veto.....	137
On passage of A. B. 1.....	143
On consideration of vote on A. B. 1.....	147
On official appointments.....	148, 149, 150, 151
On postponement of resolution in relation to assault committed on newspaper reporter in Senate Chamber.....	155
On adoption of amendment to S. B. 101.....	157
On passage of S. B. 108.....	157
On appointment of Geo. R. Vernon as Major-General N. G. C.....	160
On passage of S. B. 96.....	172
On recommittal of S. B. 227 to Judiciary Committee.....	174
On passage of S. B. 238.....	174
On postponement of consideration of S. J. R. 10 and 13.....	176

AYES AND NOES. On motion to recommit S. B. 243 and 248.....	183
On confirmation of Caleb Dorsey as Director of Insane Asylum .....	184
On confirmation of F. T. Baldwin as Director of Insane Asylum .....	185
On confirmation of Robert Watt as Director of Insane Asylum.....	185
On passage of S. B. 213.....	185
On motion to place at the head of general file S. B. 23 and the substitute .....	186
On adoption of substitute for S. B. 23 and 205.....	186
On adoption of amendment by Lewis .....	186
On adoption of amendment by Lewis .....	186
On adoption of amendment by Edgerton .....	187
On engrossment of substitute for S. B. 23 and 205.....	187
On indefinite postponement of S. B. 49.....	191
On passage of S. B. 56.....	203
On passage of S. B. 219.....	204
On passage of S. B. 250.....	206
On passage of substitute for S. B. 23 and 205.....	208
On adoption of substitute for Joint Rule 23.....	208
On adoption of Rule 57.....	209
On making subject of S. J. R. 10 a special order.....	214
On adoption of resolution to allow Sergeant-at-Arms two dollars per day, etc. ....	231
On passage of A. B. 68.....	232
On Lewis' motion to indefinitely postpone S. B. 49.....	235
On amendment of Edgerton to S. B. 49.....	235
On adoption of substitute by Laine for S. B. 49.....	235
On Haymond's motion to indefinitely postpone S. B. 49.....	236
On indefinite postponement of Tinnin's resolution for the discharge of extra clerks .....	238
On adoption of substitute for S. J. R. 10.....	244
On indefinite postponement of S. J. R. 10 and substitute.....	244
On passage of A. B. 298.....	248
On confirming appointment of E. M. Sanford as Brigadier-General.....	252
On passage of A. B. 175.....	255
On passage of S. B. 288.....	256
On motion to reconsider vote on passage of S. B. 288.....	260
On motion to reconsider vote by which S. B. 288 was ordered engrossed.....	261
On concurring in amendments to S. B. 288.....	261
On reference of S. B. 288 to the Judiciary Committee.....	261
On reconsidering the vote on adoption of S. C. R. 24.....	261
On indefinite postponement of subject of S. C. R. 24.....	261
On adoption of substitute of Edgerton to resolution of Lewis, relative to S. B. 288.....	262
On adoption of resolution by Lewis, as amended, relative to S. B. 288.....	262
On adjournment.....	264
On motion to strike out Section 2 of S. B. 315.....	268
On motion to strike out Section 17 of S. B. 315.....	268
On motion to insert Superintendent of Public Instruction in S. B. 315.....	268
On Tuttle's amendment to S. B. 315.....	269
On adoption of substitute of Bartlett to S. B. 315.....	269
On adoption of substitute of Roach to S. B. 315.....	269
On adoption of amendment by Lewis to S. B. 315.....	269
On adoption of amendment by Haymond to Section 32 of S. B. 315.....	269
On adoption of amendment by Tuttle to Section 3 of S. B. 315.....	270
On adoption of amendment by Donovan to Section 25 of S. B. 315.....	270
On engrossment of S. B. 315.....	270
On engrossment and passage of S. B. 288.....	273
On passage of S. B. 288.....	273
On confirming appointment of F. W. Hatch as member State Board of Health.....	276
On confirming appointment of Jos. G. Wall as Brigadier-General Sixth Brigade.....	276
On confirming appointment of L. Hamilton as Trustee of Deaf, Dumb, and Blind Asylum .....	277
On motion of Haymond to lay resolution of Tinnin on table.....	277
On confirming appointment of H. H. Haight as Trustee of Deaf, Dumb, and Blind Asylum .....	278
On passage of A. B. 22.....	278
On resolution of Lewis on adjournment to certain day.....	281
On call of the Senate.....	284
On passage of S. B. 249.....	285
On adoption of amendment by Bartlett to S. B. 109.....	294
On adoption of amendment to S. B. 109 by Donovan.....	294
On passage of S. B. 109.....	295
On amendment by Haymond to A. B. 25.....	295
On passage of A. B. 25.....	295
On motion to adjourn.....	297
On motion to adjourn.....	298
On reference of S. B. 315 to Committee of Whole.....	301



AYES AND NOES. On reference of S. B. 315 to Committee on Retrenchment	302
On passage of S. B. 315	302
On amendments to S. B. 309	306
On passage of A. B. 1	306
On passage of S. B. 310	307
On motion to reconsider passage of S. B. 315	310
On confirmation of William Blanding as State Harbor Commissioner	310
On confirmation of A. M. Burns as State Harbor Commissioner	310
On confirmation of Bruce B. Lee as State Harbor Commissioner	311
On indefinite postponement of S. B. 82	324
On passage of S. B. 82	324
On indefinite postponement of S. B. 237	336
On passage of A. B. 313	348
On amendment to S. B. 151	361
On indefinite postponement of A. B. 367	364
On striking out Section 16 of S. B. 391	372
On indefinite postponement of S. B. 92	372
On passage of S. B. 289	373
On indefinite postponement of S. B. 278	373
On passage of S. B. 278	373
On amendment to S. B. 394	376
On amendment to S. B. 477	383
On amendment to S. B. 294	386
On indefinite postponement of S. B. 294	386
On amendment of Donovan to S. B. 294	387
On engrossment of S. B. 294	387
On indefinite postponement of S. B. 373	395
On motion to reconsider passage of S. B. 373	398
On amendment to A. B. 79	399
On passage of A. B. 79	399
On passage of S. B. 270	407
On motion to consider S. B. 276 engrossed	407
On passage of S. B. 276	407
On passage of S. B. 294	408
On passage of S. B. 92	408
On indefinite postponement of motion to reconsider passage of S. B. 92	413
On engrossment of S. B. 127	415
On amendment to resolution concerning expenses of J. M. Montgomery, in contested election	416
On passage of S. B. 406	417
On motion to refer S. B. 305 and substitute	419
On motion to strike out enacting clause of S. B. 505	420
On motion to reconsider vote adopting Section 23 of S. B. 505	421
On adoption of Section 23 of S. B. 505	421
On indefinite postponement of S. B. 505	421
On motion to suspend rules, etc., on S. B. 505	421
On engrossment of S. B. 505	421
On engrossment of S. B. 305	427
On motion to place on third reading S. B. 103	430
On passage of S. B. 103	431
On concurring in amendments to S. B. 477	442
On motion to indefinitely postpone S. B. 490	443
On motion to indefinitely postpone motion to reconsider passage of S. B. 477	446
On passage of S. B. 305	452
On passage of S. B. 505	459
On indefinite postponement of motion to reconsider the passage of S. B. 505	466
On adoption of amendment to amendment to S. B. 134	474
On adoption of amendment by Angney to S. B. 134	475
On adoption of amendment by Hilborn to S. B. 134	475
On passage of S. B. 134	476
On motion that A. B. 182 and S. B. 332 and 319 be laid on the table	476
On adoption of substitute for A. B. 73	488
On motion for call of the Senate	488
On passage of A. B. 73	488
On placing on third reading and passage S. B. 311	491
On referring to Judiciary Committee S. B. 321	492
On motion to adjourn	493
On passage of S. B. 424	496
On motion to suspend rules, etc., to consider S. B. 52	498
On motion to engross out of its order S. B. 52	498
On motion to adjourn	499
On passage of S. B. 597	499
On indefinite postponement of motion to reconsider passage of S. B. 597	510

AYES AND NOES. On motion to take from general file S. B. 534.....	511
On motion to take from general file S. B. 393.....	512
On amendment by Craig to S. B. 9.....	512
On amendment by Lewis to S. B. 9.....	512
On motion to adjourn.....	513
On motion for call of Senate.....	513
On motion to adjourn.....	514
On motion for recess.....	514
On motion to indefinitely postpone A. B. 361.....	516
On passage of S. B. 490.....	516
On motion to adjourn.....	519
On Lewis' motion to amend S. B. 628.....	523
On Angney's motion to amend S. B. 628.....	523
On O'Connor's motion to suspend rules and pass S. B. 628.....	523
On motion to recommit S. B. 127.....	524
On passage of S. B. 127.....	524
On adoption of amendment to Senate bill to provide for the submission of pro- posed amendments to Constitution to the people.....	529
On motion to suspend rules and consider engrossed the above bill.....	529
On passage of above Senate bill.....	529
On motion to postpone consideration of appointment of Port Wardens.....	530
On confirmation of W. B. Norman, vice Porter.....	530
On confirmation of Charles Wilson, vice Swain.....	531
On confirmation of Archie Harlow.....	531
On amendment to S. B. 134.....	532
On indefinite postponement of S. B. 311.....	533
On passage of A. B. 578.....	534
On indefinite postponement of S. B. 470.....	534
On passage of S. B. 483.....	535
On motion to adjourn.....	536
On passage of S. B. 452.....	537
On motion to take up S. B. 393.....	538
On passage of S. B. 52.....	538
On adoption of amendments to S. B. 358.....	538
On motion to place S. B. 358 on third reading and passage.....	539
On passage of S. B. 358.....	539
On motion to refer A. B. 626 to Judiciary Committee.....	541
On motion to take up S. B. 534.....	544
On motion to indefinitely postpone S. B. 112.....	544
On adoption of amendment to S. B. 534.....	544
On adoption of amendment to S. B. 534.....	545
On motion to suspend rules and place S. B. 534 on its passage.....	545
On motion to adjourn.....	547
On motion to instruct committee to report on S. B. 597.....	547
On motion to amend the amendment to A. B. 292.....	548
On concurring in amendment to A. B. 292.....	549
On amendment by Roach to A. B. 292.....	549
On amendment by McCoppin to A. B. 292.....	549
On adoption of report of State Prison Committee.....	551
On concurring in amendment to S. B. 8.....	553
On concurring in amendment to S. B. 12.....	553
On indefinite postponement of A. B. 374.....	553
On motion to lay on table A. C. R. 54.....	556
On motion to take up A. B. 671.....	556
On motion to lay on table A. B. 671.....	557
On passage of A. B. 671.....	557
On indefinite postponement of motion to consider passage of S. B. 52.....	557
On indefinite postponement of A. B. 605.....	558
On motion to take up S. B. 393.....	559
On indefinite postponement of S. B. 366.....	560
On indefinite postponement of A. B. 489.....	561
On motion to lay on table A. B. 66.....	561
On motion to suspend rules on S. B. 403.....	562
On motion to lay on table A. B. 635.....	564
On motion to lay on table S. B. 626.....	565
On motion to suspend rules on S. B. 626.....	565
On motion to place at head of special file A. B. 292.....	571
On adoption of report of Committee of Conference.....	572
On amendments to A. B. 131.....	572
On passage of S. B. 399.....	572
On indefinite postponement of S. B. 170.....	575
On motion to lay on table S. B. 342.....	575
On motion to lay on table S. B. 58.....	576

AYES AND NOES. On receding from amendments to A. B. 292 .....	577
On motion to lay on table S. B. 403 .....	578
On passage of S. B. 626 .....	578
On motion to adjourn .....	579
On motion to pass on file A. B. 632 .....	579
On motion to adjourn .....	579
On concurring in A. C. R. 36 .....	582
On motion to take up A. B. 658 .....	583
On passage of A. B. 658 .....	584
On motion to reconsider indefinite postponement of A. B. 605 .....	584
On amendments to A. B. 605 .....	584
On motion to lay on table A. B. 605 .....	584
On confirmation of James Gallup as Pilot Commissioner .....	586
On concurring in amendments to S. B. 599 .....	587
On concurring in amendments to A. B. 517 .....	589
On amendment to A. B. 131 .....	590
On motion to lay on table S. B. 630, being substitute for S. B. 43 .....	590
On passage of S. B. 45 .....	591
On passage of A. B. 631 .....	591
On amendment to A. B. 517 .....	593
On indefinite postponement of A. B. 376 .....	594
On motion to suspend rules on A. B. 567 .....	594
On passage of A. B. 567 .....	594
On motion to adjourn .....	596
On passage of A. B. 713 .....	598
On amendment to S. B. 601 .....	599
On motion to place on passage S. B. 601 .....	599
On motion to take up A. C. R. 57 .....	600
On amendment to A. B. 358 .....	602
On motion to make S. B. 655 a special order .....	603
On amendments to A. B. 611 .....	603
On motion to indefinitely postpone A. B. 611 .....	603
On motion to suspend rules and pass S. B. 655 .....	604
On motion to refer to a special committee A. B. 419 .....	606
On indefinite postponement of A. B. 759 .....	610
On adoption of report of Committee on Free Conference .....	612
On motion to adjourn .....	612
On motion to lay on the table A. B. 652 .....	613
On motion to adjourn .....	613
On motion to take up A. B. 652 .....	613
On motion to consider engrossed S. B. 657 .....	616
On passage of S. B. 657 .....	616
On adoption of A. C. R. 60 .....	618
On amendment to S. B. 659 .....	619
On amendment to S. B. 275 .....	620
On amendment to A. B. 652 .....	621
On passage of A. B. 652 .....	621
On motion to take up A. C. R. 57 .....	621
On motion to take up A. B. 224 .....	624
On motion to adjourn .....	625
On appointment of J. G. Martin as Brigadier-General, Fourth Brigade .....	627
On appointment of Ed. Canavan as Brigadier-General, Third Brigade .....	627
On motion to take up A. B. 403 .....	629
On motion to take up A. B. 506 .....	633
On motion to refer to committee A. B. 506 .....	633
On passage of A. B. 506 .....	634
On motion for recess .....	636
On taking from table S. B. 403 .....	636
On taking from table S. B. 403 .....	637

## B

BARTLETT, WASHINGTON. Appeared and qualified .....	1
Appointed on committees .....	48, 64, 65, 232
Bills introduced .....	14, 61, 168, 204, 207, 215, 216, 223, 254, 359, 363
Petitions .....	16, 216
Report .....	99, 270, 348, 430
Resolutions .....	63, 224, 318, 322
BEAZELL, JAMES. Appeared and qualified .....	1
Appointed on committees .....	435
Bills introduced .....	59, 139, 161, 171, 182, 198, 250, 290, 422
Granted leave of absence .....	35, 104, 194, 216, 310, 513

BEAZELL, JAMES. Petitions	77, 137, 349, 361
Remonstrance	299
Reports	180, 206, 231, 233, 241, 241, 251, 258, 319, 322, 333, 341, 362, 370, 380, 388, 412, 424, 426, 460, 471, 479, 490, 583
Resolutions	10, 139, 244, 255, 262, 280, 478, 592
BURNS, B. An Act for the relief of	217
BUSH, C. W. Appeared and qualified	1
Appointed on committees	10, 11, 48, 582
Bills introduced	88, 155, 169, 267, 284, 317, 405, 429
Communications	332
Granted leave of absence	113
Reports	132, 167, 171, 177, 180, 195, 200, 262, 288, 314, 346, 365, 378, 389, 389, 438, 439, 471, 542, 583, 588, 593
Resolutions	255, 597
BUTTE COUNTY. Bills relating to	155, 254, 260, 436
Bill relating to the Town of Chico	171
Reports of delegation	380
BYRNES, JAMES. An Act for the relief of	422

## C

CALAVERAS COUNTY. Bills concerning	317, 462
Reports of delegation	315
CAMERON, JOHN A. An Act for the relief of	296
COLUSA COUNTY. Bills concerning	345
Bill concerning Town of Colusa	283
Reports of delegation	439, 589
COMMITTEES, STANDING. Appointment of	48, 54, 67, 112, 124
On Agriculture	78, 88, 142, 170, 180, 189, 207, 217, 232, 247, 320, 350, 356, 380, 388, 437, 451, 463, 479
On Claims	72, 94, 188, 236, 250, 265, 320, 333, 349, 388, 437, 464, 488, 573, 598
On Commerce and Navigation	66, 68, 96, 153, 187, 258, 273, 370, 464, 471, 478
On Contingent Expenses	58, 59, 63, 65, 78, 89, 96, 98, 104, 114, 138, 177, 210, 222, 226, 230, 263, 368, 506, 568, 603, 616, 618, 622, 630
On Corporations	96, 133, 153, 166, 180, 212, 222, 247, 265, 282, 311, 323, 357, 405, 427, 450, 464, 495, 560, 574, 600
Bill introduced by	428
On Counties and County Boundaries	122, 329, 479
On Education	98, 114, 128, 133, 152, 170, 180, 200, 217, 226, 231, 281, 344, 362, 416, 437, 463, 479, 494, 520
On Elections	94
On Engrössment	61, 65, 68, 77, 95, 106, 118, 130, 133, 135, 139, 142, 145, 153, 158, 166, 177, 182, 188, 195, 200, 212, 215, 216, 219, 222, 226, 236, 250, 256, 265, 275, 278, 288, 304, 313, 327, 337, 345, 348, 352, 355, 370, 392, 394, 395, 401, 409, 417, 424, 425, 428, 430, 431, 436, 444, 445, 452, 463, 486, 498, 508, 513, 524, 531, 532, 533, 542, 559, 562, 571, 586
On Enrollment	68, 76, 78, 89, 116, 130, 135, 136, 141, 162, 168, 183, 184, 195, 204, 208, 210, 222, 223, 232, 239, 244, 249, 256, 262, 264, 268, 275, 286, 289, 296, 304, 308, 314, 318, 330, 335, 346, 353, 357, 365, 387, 395, 402, 408, 423, 432, 444, 461, 469, 477, 499, 500, 513, 517, 531, 545, 558, 578, 585, 588, 589, 592, 594, 600, 601, 602, 603, 604, 605, 607, 609, 610, 619, 621, 630, 631, 633, 634, 635, 638
On Federal Relations	94, 188, 216, 276, 320, 362, 481, 560, 590
On Finance	62, 96, 132, 205, 206, 222, 314, 349, 357, 362, 367, 370, 425, 429, 464, 471, 472, 566, 583, 585, 597, 613, 620
On Hospitals	54, 122, 180, 195, 200, 288, 314, 346, 365, 378, 388, 439, 471, 593
On Internal Improvements	495
On Irrigation and Water Rights	313, 357, 410, 458
On Judiciary	58, 71, 72, 78, 87, 88, 94, 118, 125, 128, 137, 146, 158, 165, 166, 170, 176, 177, 206, 221, 226, 231, 246, 272, 311, 318, 320, 333, 388, 393, 397, 403, 437, 449, 455, 468, 476, 478, 484, 485, 486, 495, 526, 547, 575, 582, 583, 591, 593, 607, 637
On Mileage	60, 219, 230, 356, 384, 388, 393, 473
On Mines and Mining	88, 212, 453
On Public Buildings and Grounds	304, 374, 490
On Public Expenditures	72, 142, 177
On Public Lands	72, 122, 293, 445, 472, 588, 597, 634
On Public Morals	72, 247, 314, 498, 538
On Public Printing	99
On Roads and Highways	99, 109, 132, 153, 179, 195, 258, 259, 265, 271, 288, 353, 383, 338, 410, 413, 418, 420, 438, 457, 466, 467, 479, 493
On State and County Revenue	96, 99, 122, 162, 176, 177, 188, 206, 281, 313, 335, 341, 396, 457, 461, 478, 520, 561, 599



COMMITTEES, STANDING. On State Library	479
On State Prison and Prison Buildings	349, 380, 479, 550
On Swamp, Overflowed, and Tide Lands	206, 231, 241, 258, 319,
	333, 341, 370, 380, 388, 424, 471, 583
COMMITTEES OF CONFERENCE. Appointment of	435, 487, 520, 542, 546
Reports of	460, 500, 554, 572, 590, 611
COMMITTEE ON FISHERIES, ETC. Bills introduced by	449, 452
Reports of	449, 458, 467, 543, 564, 590
COMMITTEE ON RETRENCHMENT AND REFORM. Bills introduced by	161, 190, 210
Reports of	208, 404, 507, 516, 552, 597
COMMITTEES, SPECIAL. Appointment of	7, 9, 10, 11, 15, 48, 49, 65, 93,
	209, 218, 406, 453, 583, 599, 618
Reports of	449, 458, 467, 543, 564, 590
COMMUNICATIONS RECEIVED	332
CONNOLLY, PETER. An Act for the relief of	238
CONSTITUTION OF THE STATE. Bills concerning	9, 102, 124, 526
CONTRA COSTA COUNTY. Bills concerning	69, 74, 194
Bill concerning Town of Martinez	386
Reports of delegation	166, 362
Reports of Contra Costa and Alameda delegations	201
COSGROVE, PHILIP. An Act for the relief of	284
CRAIG, J. Appeared and qualified	1
Appointed on committees	48, 588
Bills introduced by	45, 46, 79, 229, 243, 284, 377, 451, 460, 575
Granted leave of absence	2, 47, 68
Petition	104
Reports of	65, 77, 106, 130, 133, 142, 145, 153, 159, 177, 182,
	188, 195, 200, 212, 215, 216, 219, 222, 226, 236, 250, 256, 265, 275, 288, 304, 313,
	409, 428, 430, 436, 445, 463, 479, 486, 498, 508, 513, 524, 531, 532, 569, 562, 571
Resolutions	63, 104, 161, 245, 317, 588, 602, 624
CREIGHTON, PATRICK. Bill for the relief of	239

## D

DEL NORTE COUNTY. Report of delegation	334
DONAHUE, PATRICK. Bill for the relief of	238
DONNELLY, EDWARD. Bill for the relief of	279
DONOVAN, M. J. Appeared and qualified	1
Appointed on committees	48, 64, 435, 582, 633
Bills introduced by	81, 155, 190, 207, 209, 279, 305, 316, 345, 398, 452, 510, 573
Granted leave of absence	145, 194
Reports	304, 354, 374, 490, 574
Resolutions	45, 56, 70, 190, 248, 360, 586, 605, 616, 617

## E

EAKIN, W. A. Appeared and qualified	1
Appointed on committees	48, 214, 520, 542
Bills introduced	6, 7, 119, 223, 259, 290, 299, 455
Granted leave of absence	47, 216
Reports	99, 109,
	132, 153, 179, 195, 258, 265, 271, 288, 353, 383, 410, 413, 418, 466, 467, 479, 493
Resolutions	488
EDGERTON, HENRY. Appeared and qualified	1
Appointed on committees	48, 209, 340, 449, 546
Bills introduced	9, 56, 67, 69, 151, 183, 223,
	237, 244, 273, 279, 283, 344, 393, 406, 406, 413, 428, 429, 431, 443, 446, 465, 534
Granted leave of absence	82, 194, 356
Petitions	306, 446
Remonstrances	468, 469
Reports	123,
	142, 163, 178, 183, 232, 236, 252, 326, 393, 449, 461, 472, 489, 491, 513, 564, 576
Resolutions	7, 49, 62, 240, 262, 275, 284, 407, 577
EGGERS, GEORGE H. Bill for the relief of	452
EL DORADO COUNTY. Bills concerning	161, 317, 325, 372, 509
Reports of delegation	334, 494
ELECTION OF OFFICERS OF SENATE	2, 3, 4, 5, 6, 7
EVANS, GEORGE S. Appeared and qualified	1
Appointed on committees	7, 10, 15, 17, 48, 49, 93, 218, 340, 435, 633
Bills introduced	10, 55, 61, 69, 79, 119, 146, 155, 161, 190, 260, 322, 326, 363, 443

EVANS, GEORGE S. Granted leave of absence	47, 194, 256, 281, 299
Petitions	77, 127, 170
Protests	472
Reports	89, 273, 356, 384, 389, 392, 456, 473
Resolutions	106, 345, 356, 384, 389, 442, 473, 483, 515
Rules	243

## F

FARLEY, JAMES T. Appeared and qualified	1
Appointed on committees	7, 11, 48, 340, 546
Bills introduced	56, 207, 273, 360
Granted leave of absence	68, 71, 288
Reports	96, 133, 153, 166, 180, 212, 218, 222, 247, 265, 282, 311, 323, 341, 357, 396, 405, 427, 450, 456, 464, 495, 572, 574, 591, 600
Resolutions	11, 57, 135, 340
FLINT, THOMAS. Appeared and qualified	1
Appointed on committees	48
Bills introduced	213, 224, 267, 360, 377
Petitions	194
Protests	272
Reports	118, 133, 180, 196, 201, 233, 237, 242, 252, 273, 282, 337, 341, 345, 348, 352, 389, 390, 393, 401, 417, 420, 438, 444, 457, 466, 542, 564
FLYNN, T. Bill for the relief of	217
FRASER, THOMAS. Appeared and qualified	1
Appointed on committees	10, 48
Bills introduced	63, 79, 113, 155, 161, 259, 283, 316, 317, 372, 416, 455, 509
Reports	46, 60, 334, 349, 494
Resolutions	10, 46, 65
FRESNO COUNTY. Bills concerning	14, 79, 100, 136, 397

## G

GIBBONS, EDWARD. Appeared and qualified	1
Appointed on committees	48, 116
Bills introduced	46, 66, 67, 119, 199, 213, 316, 360, 381, 405, 423, 441, 443, 451, 455, 603
Granted leave of absence	286, 288, 319
Petitions	158
Reports	94, 188, 216, 226, 276, 320, 362, 444, 481, 507, 549, 560, 590
Resolutions	80, 140, 198, 251, 255, 306, 442, 489, 535
GOVERNOR. Inaugural address of	20
GOVERNOR'S MESSAGES. Transmitting biennial message. [See Senate appendix.]	12
Relative to claims against the State, settlement of which is not provided for by law	12
Transmitting list of audited claims for which no appropriation was made	13
Relative to official appointments	13
Relative to disbursement of Contingent Fund of his office	14
On appointment of E. W. Maslin as Private Secretary	44
Approval of S. B. 7	54
Approval of S. B. 36	83
Approval of S. B. 35	83
Approval of S. B. 17	83
Appointment of Pilot Commissioners	87
Official appointments	90, 91
Official appointments	99
Approval of S. B. 6	123
Approval of S. B. 30	123
Approval of S. B. 91	123
Approval of S. B. 105	123
Approval of S. B. 207	137
Veto of S. B. 187	137
Withdrawal of appointment of Daniel McNeil, as Pilot Commissioner	147
Appointment of Geo. R. Vernon, as Major-General National Guard, vice Coey	159
Approval of S. B. 11	163
Approval of S. B. 32	163
Approval of S. B. 42	164
Approval of S. B. 55	164
Approval of S. B. 268	184
Appointment of Directors Insane Asylum	184

GOVERNOR'S MESSAGES. Approval of S. B. 33.....	193
Approval of S. B. 65.....	193
Approval of S. B. 191.....	193
Approval of S. B. 190.....	193
Approval of S. B. 120.....	193
Approval of S. B. 85.....	193
Appointment of James S. Cameron, M. D., member State Board of Health.....	197
Approval of S. B. 53.....	197
Approval of S. B. 79.....	197
Approval of S. B. 84.....	197
Approval of S. B. 126.....	197
Approval of S. B. 269.....	197
Approval of S. B. 261.....	215
Approval of S. B. 97.....	215
Relative to the death of Hon. J. W. Mandeville.....	217
Approval of S. B. 40.....	237
Approval of S. B. 29.....	237
Approval of S. B. 89.....	237
Approval of S. B. 299.....	237
Approval of S. B. 68.....	245
Approval of S. B. 124.....	245
Approval of S. B. 157.....	245
Approval of S. B. 183.....	245
Approval of S. B. 202.....	245
Approval of S. B. 74.....	245
Appointment of E. M. Sanford as Brigadier-General First Brigade, N. G., vice P. Banning.....	252
Approval of S. B. 148.....	264
Approval of S. B. 173.....	264
Approval of S. B. 38.....	264
Approval of S. B. 98.....	264
Approval of S. B. 108.....	264
Approval of S. B. 159.....	264
Approval of S. B. 201.....	264
Approval of S. B. 204.....	264
Approval of S. B. 220.....	264
Approval of S. B. 222.....	264
Approval of S. B. 224.....	264
Approval of S. B. 298.....	264
Approval of S. B. 303.....	264
Appointment of F. W. Hatch as member State Board of Health, vice Logan, deceased.....	275
Appointment of Jos. G. Wall as Brigadier-General Sixth Brigade, vice Schmidt.....	275
Appointment of H. H. Haight as a member of Board of Trustees of Deaf, Dumb, and Blind Asylum.....	278
Appointment of State Harbor Commissioners.....	310
Approval of S. B. 235.....	315
Approval of S. B. 288.....	315
Approval of S. B. 219.....	315
Approval of S. B. 436.....	315
Approval of S. B. 203.....	315
Approval of S. B. 247.....	315
Approval of S. B. 239.....	315
Approval of S. B. 223.....	315
Approval of S. B. 56.....	315
Approval of S. B. 15.....	315
Approval of S. B. 196.....	335
Approval of S. B. 213.....	336
Approval of S. B. 267.....	336
Approval of S. B. 335.....	336
Approval of S. B. 229.....	358
Approval of S. B. 169.....	358
Approval of S. B. 81.....	358
Approval of S. B. 100.....	363
Approval of S. B. 146.....	363
Approval of S. B. 149.....	363
Approval of S. B. 166.....	363
Approval of S. B. 271.....	363
Approval of S. B. 197.....	363
Approval of S. B. 231.....	363
Approval of S. B. 331.....	363
Approval of S. B. 212.....	363
Returning S. B. 250 without his approval.....	371

GOVERNOR'S MESSAGES. Approval of S. B. 446.....	381
Approval of S. B. 464.....	381
Approval of S. B. 121.....	390
Approval of S. B. 140.....	390
Approval of S. B. 266.....	390
Approval of S. B. 94.....	397
Approval of S. B. 447.....	397
Approval of S. B. 254.....	411
Approval of S. B. 101.....	411
Approval of substitute for S. B. 195.....	411
Approval of S. B. 215.....	411
Approval of S. B. 352.....	411
Approval of S. B. 240.....	411
Approval of S. B. 216.....	411
Approval of S. B. 376.....	411
Approval of S. B. 387.....	411
Approval of S. B. 429.....	411
Approval of S. B. 242.....	411
Approval of S. B. 181.....	439
Approval of S. B. 353.....	439
Approval of S. B. 54.....	439
Approval of substitute for S. B. 104.....	439
Approval of S. B. 185.....	439
Approval of S. B. 245.....	439
Approval of S. B. 251.....	440
Approval of substitute for S. B. 252.....	440
Approval of S. B. 256.....	440
Approval of S. B. 309.....	440
Approval of S. B. 310.....	440
Approval of S. B. 316.....	440
Approval of substitute for S. B. 343.....	440
Approval of S. B. 350.....	440
Approval of S. B. 417.....	440
Returning S. B. 249 without approval.....	440
Approval of S. B. 225.....	458
Approval of S. B. 277.....	458
Approval of substitute for S. B. 394.....	458
Approval of S. B. 398.....	458
Approval of S. B. 472.....	458
Approval of S. B. 425.....	458
Approval of S. B. 450.....	458
Approval of S. B. 457.....	458
Approval of S. B. 502.....	458
Approval of S. B. 571.....	458
Returning without approval S. B. 248.....	474
Approval of S. B. 135.....	481
Approval of S. B. 465.....	481
Approval of S. B. 484.....	481
Approval of S. B. 304.....	481
Approval of S. B. 333.....	481
Approval of S. B. 369.....	481
Approval of S. B. 377.....	481
Approval of S. B. 378.....	481
Approval of S. B. 379.....	481
Approval of S. B. 396.....	481
Approval of S. B. 405.....	481
Approval of S. B. 459.....	481
Approval of S. B. 461.....	481
Approval of S. B. 516.....	481
Approval of S. B. 517.....	481
Approval of S. B. 541.....	481
Approval of S. B. 555.....	481
Approval of S. B. 565.....	481
Approval of S. B. 566.....	481
Approval of S. B. 567.....	481
Returned S. B. 435.....	482
Approval of S. B. 109.....	508
Approval of S. B. 143.....	508
Approval of S. B. 570.....	508
Approval of S. B. 37.....	508
Approval of S. B. 324.....	508
Approval of S. B. 317.....	508
Approval of S. B. 360.....	509



GOVERNOR'S MESSAGES. Approval of S. B. 448.....	509
Approval of S. B. 533.....	509
Approval of S. B. 561.....	509
Approval of S. B. 339.....	520
Approval of S. B. 380.....	520
Approval of S. B. 477.....	520
Approval of S. B. 548.....	520
Approval of S. B. 568.....	520
Approval of S. B. 57.....	520
Approval of S. B. 145.....	530
Approval of substitute for S. B. 439.....	530
Approval of S. B. 473.....	530
Approval of S. B. 589.....	530
Appointment of Port Wardens for San Francisco.....	530
Approval of substitute for S. B. 103.....	566
Approval of S. B. 388.....	566
Approval of S. B. 64.....	566
Approval of S. B. 186.....	566
Approval of S. B. 286.....	566
Approval of substitute for S. B. 435.....	566
Approval of S. B. 466.....	567
Approval of S. B. 491.....	567
Approval of S. B. 632.....	567
Returning without approval S. B. 325.....	567
Approval of S. B. 289.....	585
Approval of S. B. 290.....	585
Approval of S. B. 291.....	585
Approval of S. B. 586.....	585
Approval of substitute for S. B. 443.....	585
Approval of S. B. 521.....	585
Approval of S. B. 575.....	585
Approval of S. B. 642.....	585
Appointment of James Gallup Pilot Commissioner, vice Nelson.....	586
Approval of S. B. 320.....	625
Approval of S. B. 412.....	625
Approval of substitute for S. B. 443.....	625
Approval of S. B. 455.....	625
Approval of S. B. 496.....	625
Approval of substitute for S. B. 519.....	625
Approval of substitute for S. B. 529.....	625
Approval of S. B. 627.....	625
Approval of S. B. 590.....	625
Approval of S. B. 549.....	626
Approval of S. B. 344.....	626
Approval of S. B. 622.....	626
Approval of S. B. 615.....	626
Approval of S. B. 492.....	626
Approval of S. B. 285.....	626
Approval of S. B. 585.....	626
Approval of S. B. 383.....	626
Approval of S. B. 651.....	626
Approval of S. B. 647.....	626
Approval of S. B. 540.....	626
Approval of S. B. 384.....	626
Approval of S. B. 372.....	626
Approval of S. B. 326.....	626
Approval of S. B. 312.....	626
Approval of S. B. 358.....	626
Approval of S. B. 504.....	626
Approval of S. B. 523.....	626
Approval of S. B. 597.....	626
Approval of S. B. 648.....	626
Approval of S. B. 476.....	626
Approval of S. B. 301.....	626
Approval of S. B. 452.....	626
Approval of S. B. 479.....	626
Approval of S. B. 115.....	626
Approval of S. B. 430.....	626
Approval of S. B. 90.....	626
Approval of S. B. 99.....	626
Approval of substitute for S. B. 494.....	626
Approval of substitute for S. B. 527.....	626
Approval of S. B. 546.....	627

GOVERNOR'S MESSAGES. Approval of S. B. 460	627
Approval of S. B. 413	627
Approval of S. B. 287	627
Approval of S. B. 646	627
Approval of S. B. 530	627
Appointment of J. G. Martine as Brigadier-General, Fourth Brigade, N. G., vice W. T. Crowell	627
Appointment of Edward Canavan as Brigadier-General, Third Brigade, N. G., vice T. E. Ketchum	627
Returning without approval S. B. 178	627
Approval of S. B. 558	637
Approval of S. B. 402	637
Approval of S. B. 629	637
Approval of S. B. 217	637
Approval of S. B. 432	637
Approval of substitute for S. B. 625	637
Approval of S. B. 658	637
Approval of S. B. 300	637
Approval of S. B. 244	637
Approval of S. B. 501	637
Approval of S. B. 469	637
Approval of S. B. 635	638
Approval of S. B. 641	638
Approval of S. B. 151	638
Approval of S. B. 659	638
Approval of S. B. 569	638
Approval of substitute for S. B. 649	638
Approval of S. B. 660	638
Approval of S. B. 536	638
Approval of S. B. 44	638
Approval of S. B. 445	638
Approval of S. B. 292	638
Approval of S. B. 391	638
Approval of S. B. 275	638
Approval of S. B. 427	638
Approval of S. B. 329	638
Approval of S. B. 385	638
Approval of S. B. 611	638
Approval of substitute for S. B. 180	638
Approval of S. B. 414	638
Approval of S. B. 621	638
Approval of substitute for S. B. 614	638
GRAVES, W. J. Appeared and qualified	1
Appointed on committees	48, 309, 360, 583
Bills introduced	48, 56, 66, 101, 119, 137, 224, 254, 259, 266, 344, 359, 391, 511
Granted leave of absence	68, 145
Petitions	104
Remonstrances	225
Reports	94, 123, 216, 241, 250, 258, 350, 410, 437, 439, 472, 479, 490, 551, 584
Resolutions	57, 416, 495, 516, 591
GREEN, GEORGE. Bill for the relief of	293

## H

HASKELL, J. L. Bill for the relief of	284
HAYMOND, CREED. Appeared and qualified	1
Appointed on committees	48, 406, 633
Bills introduced	9, 45, 56, 69, 73, 74, 84, 101, 109, 110, 112, 113, 115, 140, 161, 168, 171, 216, 217, 219, 237, 243, 254, 260, 267, 290, 317, 413, 416, 418, 543, 559, 568, 573, 591, 605, 615, 619
Granted leave of absence	2, 118, 356, 431
Memorials	409
Petitions	137, 409
Reports	108, 153, 166, 177, 233, 251, 526, 547, 559, 564
Resolutions	10, 18, 70, 85, 93, 140, 246, 284, 331, 532, 537, 597, 604, 615
HENDRICKS, W. C. Appeared and qualified	1
Appointed on committees	48, 136
Bills introduced	73, 140, 155, 171, 223, 254, 260, 267, 436, 451
Granted leave of absence	35, 136, 513, 536
Petitions and remonstrance	319
Reports	65, 96, 182, 212, 278, 327, 355, 380, 410, 453, 480, 586
Resolutions	57, 511, 558

HILBORN, S. G. Appeared and qualified.....	1
Appointed on committees.....	48, 112, 588
Bills introduced.....	61, 84, 155, 157, 175, 199, 213, 219, 223, 322, 391, 455
Granted leave of absence.....	35
Memorials.....	419
Petitions.....	396
Reports.....	201, 334, 449, 458, 467, 520, 564, 590
Resolutions.....	110, 536
HILL, W. McPHERSON. Appeared and qualified.....	1
Appointed on committees.....	48, 112, 340, 487, 618
Bills introduced.....	263, 360, 363, 384, 386, 436
Granted leave of absence.....	194
Memorials.....	187, 200
Petitions.....	418
Protests.....	170
Remonstrances.....	396
Reports.....	109, 142, 159, 170, 180, 189, 207, 217, 232, 242, 247, 251, 254, 289, 320, 335, 342, 350, 356, 363, 374, 380, 389, 417, 426, 437, 451, 463, 471, 479, 489, 520, 551
HOPKINS, R. Appeared and qualified.....	1
Appointed on committees.....	48
Bills introduced.....	254, 317, 359, 391, 429, 462, 510
Granted leave of absence.....	65, 68, 194, 288
Reports.....	315
Resolutions.....	366
HOWE, ROBERT. Appeared and qualified.....	1
Appointed on committees.....	48, 64, 218, 582
Bills introduced.....	15, 44, 56, 61, 65, 101, 139, 259, 266, 372, 398, 446, 460, 490, 545, 617
Granted leave of absence.....	82
Petitions.....	158, 420
Protests.....	280
Reports.....	66, 68, 96, 166, 187, 258, 273, 370, 392, 395, 424, 431, 452, 471, 478
Resolutions.....	10, 108, 132, 217, 272, 624
HUMBOLDT COUNTY. Bill concerning.....	159
Reports of delegation.....	189, 242, 259, 363, 404, 439, 456
Reports of delegation of Humboldt and Siskiyou.....	472

## I

INAUGURAL ADDRESS OF GOVERNOR.....	22-35
------------------------------------	-------

## J

JACKSON, JOHN. Sheriff, etc. Bills for the relief of.....	140, 204
JOINT CONVENTION. Canvass votes for Governor and Lieutenant-Governor.....	17
Inauguration of Governor and Lieutenant-Governor.....	18

## K

KERN COUNTY. Bills concerning.....	14, 100, 119, 136, 397
------------------------------------	------------------------

## L

LAINE, THOMAS H. Appeared and qualified.....	1
Appointed on committees.....	9, 11, 48, 49, 65, 77, 136, 360, 487, 618
Bills introduced.....	9,
45, 56, 67, 69, 70, 88, 101, 102, 115, 135, 155, 168, 190, 210, 224, 290, 305, 382	
Granted leave of absence.....	145, 194, 310
Petitions.....	158, 176
Reports.....	61, 126, 135, 170, 171, 208, 289, 423, 458, 474, 499, 507, 508, 516, 532, 576, 597
Resolutions.....	10, 46, 172, 260
LAKE DELEGATION. Reports of.....	254, 335, 350, 374, 426, 489
LASSEN AND MODOC DELEGATION. Reports of.....	266, 410
LEWIS, E. J. Appeared and qualified.....	1
Appointed on committees.....	9, 10, 11, 20, 340, 406, 520, 542, 578, 633, 637
Bills introduced.....	55, 100, 114, 146,
151, 155, 161, 168, 171, 178, 198, 283, 316, 337, 345, 373, 391, 398, 413, 494	
Granted leave of absence.....	136, 356
Motions.....	178, 182
Petitions.....	104, 152, 187, 232
Question of privilege.....	191
Reports.....	58, 71, 72, 78, 87, 88, 95, 118, 125,
128, 142, 146, 158, 165, 170, 176, 206, 231, 233, 246, 272, 311, 318, 333, 388, 397,	
439, 455, 461, 468, 476, 478, 484, 495, 554, 575, 578, 582, 583, 589, 607, 637, 639	

LEWIS, E. J. Resolutions.....	8, 49, 74, 87, 108, 140, 191, 238, 255, 260, 262, 267, 280, 307, 332, 340, 355, 618, 630, 633
LINDSEY, TIPTON. Appeared and qualified.....	1
Appointed on committees.....	48, 49, 77, 93, 588
Bills introduced.....	14, 67, 73, 79, 84, 100, 114, 119, 124, 132, 139, 147, 154, 198, 223, 266, 280, 397, 452, 462
Petitions.....	121, 299
Reports.....	233, 334, 341, 383, 426, 519
Resolutions.....	16, 49, 162, 564
LOGAN, MRS. T. M. Bill for the relief of.....	273
LOS ANGELES, CITY AND COUNTY. Bills concerning.....	167, 169, 267, 317, 351
Reports of delegation.....	132, 171, 177, 195, 262, 389, 438, 471, 542, 583

## M

MANDEVILLE, J. W. Bill for the relief of widow and family of.....	223
MARIN COUNTY. Bill concerning.....	74
Reports of delegation.....	166, 489, 563
MARIPOSA COUNTY. Reports of delegation.....	233, 419
MARTIN, NOBLE. Appeared and qualified.....	1
Appointed on committees.....	48
Bills introduced.....	69, 223
Granted leave of absence.....	82, 213, 299, 348
Reports.....	125, 153, 247, 314, 335, 483, 498, 538, 548
Resolutions.....	7, 105, 147, 489, 600, 616
McATEE, P. Bill for the relief of.....	217
McCARTHY, TIMOTHY. Appeared and qualified.....	1
Appointed on committees.....	435, 578
Bills introduced.....	48, 79, 132, 147, 219, 239, 271, 283, 296, 307, 337, 346, 413, 428, 441, 452
Granted leave of absence.....	194
Reports.....	68, 76, 78, 90, 116, 130, 135, 136, 141, 162, 168, 183, 184, 204, 208, 210, 222, 223, 232, 239, 244, 249, 256, 262, 264, 275, 286, 289, 296, 304, 308, 314, 318, 330, 346, 353, 357, 365, 387, 395, 402, 408, 423, 432, 444, 461, 469, 477, 498, 500, 512, 517, 531, 545, 558, 578, 585, 589, 594, 600, 604, 605, 607, 631, 633, 634, 638
Resolutions.....	12, 132, 224, 271, 274, 284, 307, 314
McCLOSKEY, THOMAS. Bill for the relief of.....	219
McCOPPIN, FRANK. Appeared and qualified.....	1
Appointed on committees.....	15, 48, 64, 93, 209, 633
Bills introduced.....	10, 45, 62, 85, 101, 115, 140, 189, 198, 257, 267, 283, 337, 359, 361, 422
Memorials.....	82
Petitions.....	263
Reports.....	196, 386, 515, 551
Resolutions.....	71, 74, 106, 284, 317, 515, 571, 625
McCUNE, H. E. Appeared and qualified.....	1
Appointed on committees.....	48
Bills introduced.....	56, 73, 132, 296, 420, 429, 441
Granted leave of absence.....	56, 73, 513
Reports.....	122, 178, 223, 350, 362, 387, 438, 564
Resolutions.....	77
McGARVEY, R. Appeared and qualified.....	1
Appointed on committees.....	48, 394, 453, 487
Bills introduced.....	14, 15, 45, 56, 69, 84, 101, 109, 124, 134, 169, 198, 199, 441, 543
Granted leave of absence.....	169
Reports.....	123, 139, 189, 242, 259, 313, 334, 355, 357, 363, 384, 389, 404, 410, 439, 456, 458, 463
Resolutions.....	57, 70, 89, 106, 308, 460, 538
McMINDES, IRA. Bill for the relief of.....	171
MEMORIALS. From citizens of Tulare County.....	187
From citizens of Sonoma County.....	200
Signed by George M. Brown.....	251
From the Sacramento California Pioneers.....	409
From the San Francisco California Pioneers.....	409
From certain water companies in this State.....	419
MENDOCINO COUNTY. Bills concerning.....	84, 124, 192, 543
MERCED COUNTY. Bills concerning.....	124, 142, 293
Report of delegation.....	189
MODOC COUNTY. Reports of delegation.....	251, 464, 563
MONTEREY COUNTY. Bill concerning.....	136
Reports of delegation.....	196, 201, 237, 420, 564
Report of Monterey and San Benito delegation.....	180
MONTGOMERY, J. M. Appeared and qualified.....	1
Appointed on committees.....	48



MONTGOMERY, J. M. Bills introduced	124, 143, 293, 510
Granted leave of absence	310
Reports	60, 189, 219, 230, 233, 419, 472, 508
Resolutions	219, 620

## N

NAPA COUNTY. Bills concerning	159, 360, 384, 386
Reports of delegation	251, 342, 417
NEVADA COUNTY. Bills concerning	140, 161, 294, 323
NUNAN, EDWARD. Appeared and qualified	1
Appointed on committees	48, 637
Bills introduced	61, 116, 201, 243, 271, 279, 305, 307, 391, 398, 400, 452
Granted leave of absence	68, 220, 264, 356
Reports	96, 99, 122,
Resolutions	102, 176, 177, 188, 206, 281, 313, 329, 335, 341, 396, 457, 461, 478, 508, 561, 599
	624

## O

O'CONNOR, M. P. Appeared and qualified	1
Appointed on committees	11, 15, 20, 48, 49, 93, 310, 435, 520, 542, 583, 599, 618
Bills introduced	56, 73, 85, 88, 100, 124, 140, 155, 294, 372, 494
Petitions	176, 211
Reports	72, 94, 188, 236, 250, 265, 299, 320, 333, 349, 388, 437, 404, 488, 573, 598
Resolutions	15, 46, 72, 552

## P

PARNELL, JOHN. Bill for the relief of	422
PETITIONS	16, 58, 62, 77, 82, 94, 104, 114,
	122, 127, 137, 152, 158, 170, 176, 179, 187, 194, 211, 216, 220, 225, 232, 263, 280,
	288, 299, 306, 319, 333, 340, 361, 382, 396, 403, 409, 415, 420, 424, 446, 487, 546
PIERSON, WM. M. Appeared and qualified	1
Appointed on committees	48, 560, 606, 546, 578, 633
Bills introduced	9, 43, 61,
	66, 73, 84, 85, 115, 119, 134, 168, 181, 189, 275, 290, 306, 372, 385, 386, 422, 455
Granted leave of absence	68, 145
Petitions	194
Reports	35, 89, 137, 201, 221, 226, 297, 320, 403, 426, 495, 590, 611
Resolutions	10, 15, 345, 382, 496, 460, 574, 623
Rules	252, 384
PLACER COUNTY. Bills concerning	69, 153, 161
Reports of delegation	335, 483, 518
PLUMAS COUNTY. Bill concerning	575
PORTER, GEORGE K. Bill to authorize him to sue the State	411
PRESIDENT OF THE SENATE. Address to the Senate	19, 639
Administered oath to Senators	8
Appointed Harry H. Hughes as Page	35
Called the Senate to order	1
Invited Rev. J. H. C. Bonte to deliver opening prayer	1
Petition presented by	349
Preamble and resolutions from Democratic Committee of San Diego	409
Reports	311, 542
PRESIDENT PRO TEM. Addressed the Senate	7
Presented communication from Secretary of State	8
PROTESTS. From citizens of Sonoma County	170
From citizens of Monterey County	272
From property owners of South San Francisco	280
From citizens of San Bernardino County	288
From citizens of Stockton	472

## R

REMONSTRANCES. From citizens of Butte County	319
From citizens of Livermore	299
From citizens of Merced and Mariposa Counties	409
From citizens of Monterey County	194
From citizens of Napa County	396
From citizens of San Francisco	408
From citizens of Ventura County	225

RESOLUTIONS. By O'Connor, for temporary adoption of rules of last session.....	1
By Martin, relative to appointment of Night Watchman.....	7
By Lewis, relative to appointment of Rear Porter.....	8
By Laine, relative to organization of Senate.....	8
By Howe, relative to canvass of vote for Governor and Lieutenant-Governor.....	10
By Beazell, relative to gallery Door-keeper and Porter for committee rooms.....	10
By Fraser, providing for committee to ascertain amounts due hold-over officers.....	10
By Roach, relative to improvement of Feather, Sacramento, and San Joaquin Rivers.....	10
By Haymond, relative to appointment of Mail-carrier.....	10
By Pierson, appointing committee of three on rules.....	10
By Laine, relative to issuance of stationery to members.....	10
By Rogers, providing for joint committee to wait on Governor and Lieutenant-Governor relative to inaugural.....	11
By McCarthy, allowing clerk to Sergeant-at-Arms.....	12
By O'Connor, providing for joint committee to superintend inaugural.....	15
By Satterwhite, relative to appointment of Mail-carrier.....	15
By Pierson, relative to providing members with newspapers.....	15
By O'Connor, relative to inviting Rev. E. H. Ward to officiate as Chaplain.....	15
By O'Connor, relative to President appointing a Page.....	15
By Tuttle, fixing time for joint convention to canvass vote for Governor and Lieutenant-Governor.....	16
By Lindsey, relative to committee rooms.....	16
By Haymond, relative to joint convention to inaugurate Governor and Lieutenant-Governor.....	18
By Tinnin, providing for committee to enroll S. B. 7.....	20
By Donovan, relative to allowing clerk to San Francisco delegation.....	45
By Fraser, authorizing Sergeant-at-Arms to receipt to Controller for warrants of members.....	46
By Pierson, relative to mode of introducing bills, etc.....	46
By Laine, concerning Chaplain.....	46
By Roach, asking Congress to modify treaty with China.....	46
By O'Connor, relative to appointment of Mail-carrier.....	46
By Edgerton, relative to use of Senate and Assembly halls for inaugural ball.....	49
By Lindsey, relative to change of route of Southern Pacific Railroad.....	49
By Tuttle, relative to printing Governor's inaugural.....	49
By Tuttle, relative to Committee on Public Expenditures.....	49
By Lewis, relative to clerk for Judiciary Committee.....	49
By McGarvey, relative to homesteads for soldiers and sailors, their widows and orphans.....	57
By Graves, relative to contested election case of <i>Ward v. Montgomery</i> .....	57
By Turner, relative to appointment of Mail-carrier.....	57
By Farley, relative to appointment of Journal Clerk.....	57
By Hendricks, relative to committee on centennial matters.....	57
By Edgerton, prohibiting sale of liquors within Capitol and grounds.....	62
By Craig, relative to leave of absence for P. H. Ryan, Engrossing Clerk.....	63
By Bartlett, providing for daily printing of journal.....	63
By Donovan, concerning data as to water rates in different cities.....	64
By Fraser, providing for payment of services of J. H. C. Bonte as Chaplain.....	65
By Hendricks, relative to printing of journal each day.....	65
By Tinnin, relative to absence of Sergeant-at-Arms.....	67
By Pierson, providing for supplying Senators with Statutes of 1873-4.....	67
By Tuttle, relative to adding Turner and Tinnin to Committee on Education.....	67
By Haymond, relative to land monopoly.....	70
By McGarvey, relative to printing bills and concurrent resolutions.....	70
By Donovan, relative to clerk for Committee on Public Buildings.....	70
By McCoppin, relative to copying and printing bills in order of presentation.....	71
By McCoppin, relative to copying of Senate journal for printer.....	74
By Lewis, relative to employing short-hand reporter.....	74
By Bush, relative to clerk for Hospital Committee.....	74
By Tuttle, relative to reference of Governor's biennial message.....	75
By McCune, relative to final adjournment.....	77
By McCune, relative to increasing Committee on Swamp and Overflowed Lands.....	77
By Gibbons, relative to floating indebtedness of municipalities.....	80
By Committee on Contingent Expenses, relative to copying Senate journal for printer.....	80
By Roach, relative to clerk for committee on water supply for San Francisco.....	80
By Tinnin, relative to discharge of certain officers for neglect of duty by Sergeant-at-Arms.....	81
By Tinnin, relative to weekly payment of salaries of attachés.....	81
By Haymond, relative to reports of State Board of Equalization.....	85

RESOLUTIONS. By Lewis, relative to monthly report of expenses of session.....	88
By Shirley, relative to clerk to Committee on State Prison.....	89
By McGarvey, relative to supplying newspaper reporters with Codes.....	89
By Roach, relative to per diem of clerk to San Francisco delegation.....	89
By Hammond, relative to committee to investigate sales of tide lands.....	93
By Hammond, relative to displaying flag at hall-mast, in respect to the late James Anthony.....	93
By Committee on Elections, relative to contested election case of <i>Ward v. Montgomery</i> .....	94
By Roach, relative to expenses of same.....	94
By Roach, relative to adjournment in honor of battle of New Orleans.....	102
By Craig, relative to rates of fare on street-car lines in San Francisco.....	104
By Martin, relative to appointment of Copying Clerks.....	105
By O'Connor, relative to same.....	105
By McGarvey, relative to correcting S. B. 50.....	106
By Evans, relative to same.....	106
By Metcalf, relative to allowing reporter to Salt and Tide Land Committee.....	106
By Howe, relative to per diem of clerk to San Francisco delegation.....	108
By Lewis, relative to appointment of Assistant Copying Clerks.....	108
By H. B. Brown, relative to appointment of Committee on Fisheries.....	110
By Tinnin, relative to daily recess.....	110
By Turner, relative to appointing Judiciary Committee to prepare bill for production of witnesses in criminal Courts.....	110
By Tinnin, relative to Assistant Engrossing Clerks.....	114
By Roach, relative to clerk to Committee on Military Affairs.....	115
By Tinnin, relative to pay of assistant's bookbinder, Enrolling and Copying Clerks.....	124
By Rogers, of respect to memory of the late Senator S. J. Finney.....	126
By Metcalf, relative to allowing assistant to Enrolling Clerk.....	132
By Howe, relative to printing S. B. 15 out of order.....	132
By Farney, relative to per diem of clerk to Committee on Corporations.....	135
By Gibbons, relative to per diem of Porter of committee rooms.....	140
By Hammond, relative to bills, numbering salaries and number of officers.....	140
By Lewis, relative to return of S. B. 142 by Copying Clerks.....	140
By Craig, relative to allowing assistants to Engrossing Clerk.....	161
By Tuttle, relative to adjourning.....	162
By Lindsey, relative to outstanding warrants against swamp land districts.....	162
By Rogers, relative to paying M. Keating forty-six dollars and eighty-five cents for railing in post-office of the Senate.....	177
By Donovan, relative to extending time for Committee on Public Buildings to retain clerk.....	190
By Lewis, relative to expelling reporter of San Francisco <i>Chronicle</i> from floor of Senate.....	191
By Gibbons, relative to newspaper reporters using unparliamentary language.....	198
By Metcalf, for Committee on Joint Resolutions, relative to adding Rule 57 to standing rules, concerning newspaper reporters.....	209
By Howe, relative to the funeral of Hon. J. W. Mandeville.....	217
By Montgomery, relative to paying mileage for traveling on duty as members of Committee on Hospitals.....	219
By Bartlett, relative to instructing Committee on Retrenchment to inquire into the subject-matter of public printing for the State, etc.....	224
By Shirley, relative to an appropriation to erect light-house and fog-bell on the Straits of Carquinez.....	224
By Metcalf, relative to allowing Sergeant-at-Arms two dollars per day from commencement of session.....	224
By Metcalf, relative to appointment of J. R. Bevel as Assistant Enrolling Clerk.....	224
By Turner, relative to W. Z. Angway being added to Committee on Translation.....	224
By Tinnin, relative to Controller drawing warrants on Contingent Fund of Senate to pay certain bills reported by the committee.....	226
By Tuttle, recommending the discharge of certain assistant clerks.....	230
By Committee on Mortgage, relative to allowing certain sums for mileage to members of Committee on Hospitals.....	231
By Lewis, relative to appointment of the Legislature on March 15th, 1876.....	238
By Edgerton, relative to requesting Assembly to return S. C. R. 24.....	240
By Beazell, relative to Oakland Harbor.....	244
By Craig, relative to authorizing Engrossing Clerk to correct an error in S. B. 247.....	245
By Hammond, relative to authorizing Engrossing Clerk to correct S. B. 266.....	246
By Tuttle, relative to authorizing Enrolling Clerk to correct an error in numbering sections of S. B. 108.....	246
By Gibbons, relative to the death of T. M. Logan.....	251
By Beazell, relative to authorizing Engrossing Clerk to transpose title of S. B. 352.....	255
By Bush, relative to an appropriation for light-house and fog-bell at Santa Monica.....	255
By Gibbons, relative to transmitting copy of S. C. R. 19 to members of Congress.....	255

RESOLUTIONS. By Lewis, relative to considering the general file and local bills.....	255
By Laine, relative to instructing the Judiciary Committee to examine the matter as to the powers of Boards of Supervisors to equalize assessments for purposes of taxation, under the Constitution, as interpreted by the Supreme Court, and report thereon.....	260
By Lewis, relative to considering the general file and local bills only until disposed of.....	260
By Beazell, relative to enrolling S. C. R. 28 immediately.....	262
By Lewis, relative to instructing Judiciary Committee to report forthwith S. B. 288.....	262
By Edgerton, substitute relative to Judiciary Committee reporting next Friday on S. B. 288.....	262
By Lewis, relative to adjournments of the Senate.....	267
By Roach, relative to granting Madame LeVert the use of Senate Chamber.....	271
By McCarthy, to authorize Enrolling Clerk to appoint four assistants.....	271
By Howe, instructing the Enrolling Clerk to enroll S. B. 15 out of its order.....	272
By McCarthy, relative to directing the Committee on Enrollment to report enrolled S. B. 219.....	274
By Edgerton, relative to allowing Miss Sallie Hart the use of Senate Chamber.....	275
By Tinnin, relative to rescinding resolutions allowing Madame LeVert and Miss Sallie Hart the use of the Senate Chamber.....	277
By Beazell, relative to enrolling S. B. 288 out of its order.....	280
By Lewis, relative to adjournment until the 23d day of February, 1876.....	280
By McCoppin, relative to enrolling S. B. 213 out of its order.....	284
By Haymond, relative to the Yosemite Valley.....	284
By Edgerton, relative to requiring of banking corporations license and stamp tax.....	284
By McCarthy, relative to adjourning over the 22d of February.....	284
By Roach, relative to Committee on Public Morals reporting back S. B. 37.....	285
By Gibbons, relative to allowing Sergeant-at-Arms two dollars per day.....	306
By Lewis, relative to authorizing Enrolling Clerk to deliver to committee S. B. 250.....	307
By McCarthy, relative to authorizing Enrolling Clerk to enroll S. B. 56 out of its regular order.....	307
By McCarthy, relative to authorizing Enrolling Clerk to enroll S. B. 169 out of its regular order.....	314
By Roach, relative to a supply of fresh water for San Francisco.....	317
By Craig, relative to the same, being a substitute therefor.....	317
By Bartlett, relative to return by Judiciary Committee of Rogers' and Craig's water bills.....	318
By Bartlett, relative to Paper-folder acting as messenger to State Printing Office.....	322
By Haymond, relative to granting use of Senate Chamber to Hon. Jas. Johnson.....	331
By Lewis, relative to the death of Hon. W. W. Pendegast.....	332
By Farley, relative to Senators attending the funeral of W. W. Pendegast.....	340
By Evans, relative to swamp and overflowed lands in this State.....	345
By Shirley, relative to printing report of State Prison Committee.....	350
By Lewis, relative to adjournment to certain day.....	355
By Evans, relative to allowance of mileage to Committee on Public Buildings.....	356
By Donovan, relative to Board of Regents of the State University.....	360
By Hopkins, relative to allowing clerk to Sergeant-at-Arms two dollars per day additional compensation.....	366
By Pierson, relative to introduction of bills after March 20th.....	382
By Evans, relative to mileage of special committee on tide land matters.....	389
By Pierson, relative to progress in printing laws.....	406
By Edgerton, relative to correcting an error in the title of S. B. 538.....	407
By Graves, relative to allowance of \$2,688 75, expenses of contested election.....	416
By Evans, relative to Secretary of Senate preparing a special and a general file.....	442
By McGarvey, relative to committees reporting back bills before a certain time.....	460
By Evans, relative to mileage to members of Fish Committee.....	473
By Beazell, relative to mileage to witness before Swamp Land Committee.....	478
By Evans, relative to amending Rule No. 6.....	483
By Martin, relative to Enrolling Clerk appointing an additional deputy.....	489
By Tinnin, authorizing the Enrolling Clerk to procure Copying Clerks without additional pay.....	489
By Gibbons, relative to length of time for members to speak.....	489
By Rogers, relative to allowance of bills from Contingent Expense Fund.....	506
By Tinnin, relative to time allowed for each Senator to speak.....	510
By Hendricks, relative to Assembly returning to Senate A. B. 554 for correction.....	511
By McCoppin, relative to report on sale of tide or salt marsh lands.....	515
By Evans, relative to amending Rule No. 33.....	515
By Graves, relative to bills pertaining to the City and County of San Francisco.....	516
By Shirley, relative to vote of thanks to guards and attachés of the State Prison.....	521
By Tinnin, relative to acting on appointments of Port Wardens.....	530
By Haymond, relative to correcting Section 2 of S. B. 574.....	532
By Gibbons, relative to Enrolling Clerk returning S. B. 524.....	535
By Hilborn, relative to San Francisco bills.....	536



RESOLUTIONS. By Haymond, relative to discrepancies in Senate journals relative to constitutional amendments .....	537
By O'Connor, relative to pay of Printing Expert .....	552
By Tuttle, relative to pay of Day Watchman .....	553
By Hendricks, relative to numbering substitute for S. B. 399 .....	558
By Lindsey, relative to additional assistance in Enrolling Clerk's office .....	564
By Haymond, relative to Enrolling Clerk appointing additional assistants .....	565
By Rogers, relative to allowance to certain persons .....	568
By McCoppin, relative to authorizing Engrossing Clerk to correct S. B. 626 .....	571
By Tuttle, relative to adding Senator Howe and others to Committee on Enrolled Bills .....	582
By Craig, relative to additional members to assist Enrolling Committee .....	588
By Graves, relative to Assembly returning A. B. 517 .....	591
By Haymond, relative to Assembly returning appropriation bill .....	597
By Martin, relative to removing spectators from the lobby .....	600
By Shirley, relative to allowing A. A. Bennett, architect, two hundred dollars .....	601
By Craig, relative to returning silk flag to Joseph Neumann .....	602
By Rogers, relative to allowance from Contingent Expense Fund .....	603
By Haymond, relative to allowance to C. F. Smith .....	604
By Donovan, relative to keeping open the Enrolling Clerk's office .....	605
By Haymond, relative to a committee to examine and report on Chinese matters .....	615
By Rogers, relative to allowance to Minute Clerk .....	616
By Martin, relative to extra allowance to the Mail-carrier of Senate .....	616
By Donovan, relative to salary of clerk of Building Committee .....	617
By Tuttle, relative to pay of clerk to Finance Committee .....	618
By Tuttle, relative to appointing special committee to receive bills, etc. ....	618
By Lewis, relative to Postmaster remaining one week at Capitol after the adjournment of the Legislature .....	618
By Montgomery, relative to rescinding resolution allowing Montgomery five hundred dollars counsel fees .....	620
By Nunan, relative to pay of P. J. O'Connor, as expert and architect to Building Committee .....	624
By Howe, relative to Journal Clerk remaining after adjournment of Legislature .....	624
By Craig, relative to allowing extra pay to Enrolling Clerks .....	624
By McCoppin, relative to pay of Messenger of State Printing Office .....	625
By Rogers, relative to paying bill of Pacific Ice Company .....	625
By Lewis, relative to pay of Postmaster out of Contingent Fund of Senate .....	630
By Lewis, relative to thanks of the Senate to the President, Lieutenant-Governor Johnson .....	633
By Timm, relative to thanks of the Senate to the President pro tem., B. F. Tuttle .....	633
By Pierson, relative to thanks of the Senate to reporters of the press .....	633
By special committee, relative to signing the journals after the adjournment .....	633
By special committee, relative to clerk of Building Committee .....	633
By special committee, relative to taking charge of furniture, etc. ....	634
By special committee, relative to appointing a committee to wait on the Governor .....	635
By special committee, relative to tendering thanks to Secretary, assistants, clerks, etc. ....	635
By special committee, relative to allowance to Hiram Cook, as Messenger-Porter .....	636
ROACH, PHILIP A. Appeared and qualified .....	1
Appointed on committees .....	48, 64, 65, 218
Bills introduced .....	44, 45, 55, 74,
84, 112, 119, 143, 145, 181, 207, 215, 337, 381, 391, 398, 460, 496, 552, 591, 598	
Granted leave of absence .....	65, 71
Memorials .....	251, 409
Petitions .....	16, 82, 179, 280, 382, 546
Reports .....	106, 108, 122, 135,
145, 196, 212, 237, 249, 266, 282, 302, 305, 341, 344, 357, 370, 382, 398, 406, 422,	
426, 449, 465, 469, 484, 489, 506, 507, 508, 537, 546, 558, 574, 589, 593, 605, 617	
Resolutions .....	10, 46, 80, 89, 94, 102, 115, 271, 317, 559
ROGERS, GEORGE H. Appeared and qualified .....	1
Appointed on committees .....	11, 48, 633
Bills introduced .....	73, 74, 201, 293
Granted leave of absence .....	47, 65, 136, 194, 220, 513
Petitions .....	424
Reports .....	13, 63, 78, 89, 96, 98,
104, 166, 170, 177, 210, 231, 259, 263, 368, 377, 506, 568, 603, 616, 618, 622, 630	
Resolutions .....	11, 126, 506, 568, 616, 630
ROLL-CALLS. Hold-over Senators .....	1
Senators elect .....	1
In joint convention to canvass gubernatorial vote .....	17
On passage of S. B. 250 over the Governor's veto .....	423
On passage of S. B. 249 over the Governor's veto .....	441
On passage of S. B. 248 over the Governor's veto .....	507

ROLL-CALLS. On passage of S. B. 156—proposed amendments to the Constitution	529
On passage of S. B. 325 over Governor's veto	568
On passage of S. B. 178 over Governor's veto	628
RULES. Appointment of committees	10
Reports of committees	35, 50, 89, 201, 208, 252, 323, 384, 590
RYAN, PATRICK. Bill for the relief of	422

## S

SACRAMENTO COUNTY. Bills concerning	45, 73, 110, 115, 153, 168, 178, 179, 191, 217, 223, 237, 243, 254, 393, 428, 443, 465, 534, 543, 568
Reports of delegation	108, 123, 166, 178, 183, 232, 233, 236, 251, 326, 472, 489, 491, 547, 559, 564, 576
Sacramento and El Dorado delegation, reports of	349
Folsom, bill concerning	217
SACRAMENTO CITY. Bills concerning	171, 183, 318, 418
SAFFORD, W. S. Bill for the relief of	223
SAN BENITO DELEGATION. Reports of	242, 341
SAN BERNARDINO COUNTY. Bills concerning	124, 199, 202, 243, 316, 459
Reports of delegation	241, 334
San Bernardino and Los Angeles delegation, report of	54
San Bernardino and San Diego delegation, report of	289
SAN DIEGO COUNTY. Bill concerning	305
Report of delegation	404
SAN FRANCISCO CITY AND COUNTY. Bills concerning	16, 45, 48, 61, 64, 73, 74, 79, 85, 101, 112, 115, 139, 140, 147, 155, 181, 189, 198, 201, 207, 215, 216, 229, 238, 243, 249, 254, 259, 266, 267, 271, 273, 283, 290, 294, 305, 307, 344, 345, 359, 363, 374, 377, 381, 385, 391, 398, 400, 422, 428, 451, 452, 455, 460, 510, 552, 573, 598, 617
Reports of delegation	66, 106, 108, 123, 135, 166, 185, 196, 212, 237, 266, 270, 282, 293, 302, 305, 341, 344, 348, 357, 370, 382, 398, 406, 422, 426, 450, 465, 469, 484, 489, 506, 507, 508, 537, 546, 558, 574, 589, 593, 605, 617, 632
San Francisco delegation. Bill introduced by	344
SAN JOAQUIN COUNTY. Bills concerning	77, 79, 119, 161, 176, 188, 260, 322
Reports of delegation	273, 456
STOCKTON, CITY OF. Bills concerning	183, 326, 351, 443
SAN LUIS OBISPO, CITY AND COUNTY. Bills concerning	66, 136, 254, 266, 323
Reports of delegation	123, 350, 479, 490, 551
SAN MATEO COUNTY. Bills concerning	74, 323
Reports of delegation	166, 170, 259
SANTA BARBARA COUNTY. Bills concerning	136, 254, 323
Reports of delegation	241, 250, 410, 439, 584
Reports of Santa Barbara, San Luis Obispo, and Ventura delegations	472
SANTA CLARA COUNTY. Bills concerning	161, 413
Reports of delegation	171, 379, 404, 427, 508, 576
Gilroy, City of, bill concerning	573
San José, City of, bill concerning	283
SANTA CRUZ COUNTY. Bills concerning	188, 360, 377
Reports of delegation	133, 233, 252, 273, 282, 390, 457
Santa Cruz, City of, bills concerning	213, 267
SATTERWHITE, J. W. Appeared and qualified	1
Appointed on committees	48
Bills introduced	124, 171, 199, 243, 254, 259, 290, 305, 316, 345, 459
Communication from R. S. Carey	47
Petitions	114, 220, 288
Resolutions	15
Reports	241, 282, 289, 334, 404, 479, 560
SHASTA COUNTY. Bills concerning	181, 238
Report of delegation	464
SHIRLEY, PAUL. Appeared and qualified	1
Appointed on committees	48
Bills introduced	69, 73, 79, 85, 88, 115, 124, 134, 299, 344, 359, 386, 393, 405, 455
Granted leave of absence	310
Petitions	194, 280, 487
Reports	201, 349, 362, 370, 380, 479, 489, 550, 563
Resolutions	89, 224, 291, 350, 520, 601
SIERRA COUNTY. Bill concerning	575
Reports of delegation	439, 566
SISKIYOU COUNTY. Bills concerning	159, 161
Report of delegation	480
SMITH, JAMES. Bill for the relief of	293
SOLANO COUNTY. Bills concerning	61, 84, 132, 157, 161, 175, 178, 188, 193, 194, 441
Benicia, bill concerning	219

SOLANO COUNTY. Reports of delegation	201, 223, 334, 387
Vallejo, bill concerning	199
SONOMA COUNTY. Bills concerning	48, 101, 159, 161, 170, 200, 441, 451
Petaluma, bills concerning	210, 398
Reports of delegation	34, 109, 242, 262, 267, 272, 289, 295, 366, 438, 463, 494, 508
Sonoma, bill concerning	299
SPENCER, L. Appeared and qualified	1
Appointed on committee	48
Bills introduced	190, 254, 365
Petitions	333
Reports	167, 237, 242, 252, 262, 315, 335, 353, 405, 427, 451, 573
STANISLAUS COUNTY. Bill concerning	391
STRETCH, R. H. Bill for the relief of	279
SUTTER COUNTY. Bills concerning	283, 365
Reports of delegation	167, 315, 353, 427, 451, 573

## T

TEHAMA COUNTY. Bills concerning	77, 100, 132, 146, 155, 161, 168, 178, 187, 206, 373, 413
Red Bluff, bill concerning	494
Report of delegation	233
TINNIN, W. J. Appeared and qualified	1
Appointed on committees	20, 48, 218, 582, 599
Bills introduced	73, 109, 132, 134, 140, 161, 168, 181, 254, 316
Granted leave of absence	361
Petition	280
Reports	46, 72, 114, 138, 142, 159, 177, 222, 226, 251, 266, 464, 472, 480, 563
Resolutions	20, 67, 110, 124, 224, 226, 230, 277, 464, 489, 510, 530, 572, 633
TRINITY COUNTY. Bills concerning	181, 238
TULARE COUNTY. Bills concerning	14, 79, 84, 100, 124, 136, 147, 187, 188, 323, 397
Reports of delegation	233, 334, 341
TUOLUMNE COUNTY. Bills concerning	67, 323
TURNER, H. K. Appeared and qualified	1
Appointed on committees	10, 48, 162, 394, 637
Bills introduced	69, 79, 85, 119, 140, 199, 254, 260, 410, 575, 616
Granted leave of absence	163
Reports	98, 114, 180, 231, 268, 335, 344, 362, 410, 425, 439, 471, 479, 520, 566, 603
Resolutions	57, 110
TUTTLE, B. F. Appeared and qualified	1
Appointed on committees	9, 48
Bills introduced	9, 15, 48, 66, 101, 140, 201, 210, 243, 361, 398, 413, 418, 428, 456, 441, 452
Communication	519
Elected President pro tem.	2
Granted leave of absence	310
Petitions	152, 158, 403
Reports	98, 128, 133, 152, 159, 195, 200, 217, 226, 262, 267, 272, 281, 295, 416, 437, 438, 463, 479, 494, 508, 565, 585, 592, 601, 602, 609, 610, 619, 621, 630, 634, 635
Resolutions	16, 49, 67, 70, 75, 162, 246, 553, 582, 607, 618

## V

VENTURA COUNTY. Bills concerning	136, 284, 323
Reports of delegation	216, 426

## W

WHITLOCK, GEO. W. Bill for the relief of	455
WILSON, M. R. Bill for the relief of	202

## Y

YOLO COUNTY. Bill concerning	429
Reports of delegation	350, 438, 564
Reports of Yolo and Solano delegation	178
YUBA DELEGATION. Reports of	237, 252, 262, 335, 405
YUBA AND SUTTER DELEGATION. Report of	242

# INDEX TO SENATE BILLS.

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
1	An Act to amend an Act entitled an Act to establish a Code of Civil Procedure. Edgerton-----	9		
2	An Act to provide for calling a convention to revise and change the Constitution of the State of California. Haymond-----	9		
3	An Act to extend the time for the payment of taxes for the fiscal year commencing July first, eighteen hundred and seventy-five. Laine-----	9		
4	An Act to amend certain sections of the Political Code regulating the payment of taxes, and making them delinquent semi-annually. Hendricks-----	9		
5	An Act to provide for a convention to frame a new Constitution. Pierson-----	9		
6	An Act to amend the Political Code, concerning redemption of property sold for taxes. Laine-----	9	70	107
7	An Act to prevent unnecessary changes in the text-books in use in the public schools. Tuttle-----	9	11	16
8	An Act to amend certain sections of the Political Code, and to repeal a certain section relating to insurance. Tuttle-----	9	353	546
9	An Act to provide for a system of irrigation in the Counties of Fresno, Tulare, and Kern. Lindsey-----	14		
10	An Act to amend the Political Code respecting the collection of taxes. McGarvey-----	14		
11	An Act to amend section three hundred and five of the Civil Code, relating to corporations. Bartlett-----	14	69	131
12	An Act to amend certain sections of the Civil Code, and to add certain new sections to said Code, relating to insurance. Tuttle-----	15	399	546
13	An Act to regulate the forfeiture of policies of life insurance, approved February second, eighteen hundred and seventy-two. Tuttle-----	15		
14	An Act to repeal an Act entitled an Act to provide for official valuation of life insurance policies, approved April fourth, eighteen hundred and seventy, approved February thirteenth, eighteen hundred and seventy-two. Tuttle-----	15		



Number	TITLE	Introduced	Passed Senate	Passed Assembly
15	An Act to amend Article IX. of Chapter VI. of the Political Code. Howe -----	15	153	263
16	An Act to amend section four thousand three hundred and twenty-nine of the Political Code. McGarvey -----	15		
17	An Act to repeal section eleven of Chapter I., Title VI., of the Political Code. Howe -----	44	66	69
18	An Act to grant further powers to the State Board of Harbor Commissioners. Roach -----	44		
19	An Act to establish water rates in the City and County of San Francisco. Roach -----	45		
20	An Act to amend an Act entitled an Act to establish and maintain a training-ship or ships in the City and County of San Francisco. Roach -----	45		
21	An Act supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board, approved March twenty-seventh, eighteen hundred and seventy-four. McCoppin -----	45		
22	An Act to amend the Political Code, relating to salaries. McGarvey --	45		
23	An Act to amend section two hundred and sixty-six of the Political Code, concerning compensation of members of the Legislature. Laine -----	45	208	
24	An Act in relation to public roads in the County of Sacramento. Haymond -----	45	179	
25	An Act to define the rights of passengers on railroads. Pierson -----	45		
26	An Act to add additional sections to the Political Code, concerning the sale of public lands. McGarvey -----	45		
27	An Act to provide for the completion of the New City Hall in the City and County of San Francisco. McCoppin -----	45		
28	An Act to protect the citizens of the State of California from empiricism, and for the suppression of quackery. Craig -----	45		
29	An Act to add an additional section to the Code of Civil Procedure. Graves -----	48	110	160
30	An Act to amend an Act entitled an Act to fund certain indebtedness of Sonoma County, approved February twelfth, eighteen hundred and seventy-four. Tuttle -----	48	69	83
31	An Act concerning the office of County Clerk of San Francisco. McCarthy -----	48	116	
32	An Act to amend section two thousand one hundred and seven, and to repeal section two thousand one hundred and twelve of the Political Code. O'Connor -----	48	85	131
33	An Act to amend section six hundred and twenty-six of the Penal Code. Bush -----	49	111	154
34	An Act for the permanent improvement of the State Capitol grounds. Haymond -----	49		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
35	An Act to authorize the Superintendent of Public Instruction to issue a teacher's certificate to Charles Merchant. Lewis-----	55	55	72
36	An Act for the relief of S. A. Booker. Evans-----	55	55	68
37	An Act to amend section two hundred and forty-three of the Penal Code. Roach-----	55	328	448
38	An Act to provide for the payment of certain indebtedness incurred by the Directors of the Deaf, Dumb, and Blind Asylum. Beazell.	55	202	253
39	An Act to repeal an Act entitled an Act for the preservation of seals or sea lions at and near the entrance to the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three; also, an Act entitled an Act amendatory of and supplemental to an Act entitled an Act for the preservation of seals or sea lions at or near the entrance to the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six; also, to repeal section five hundred and ninety-nine of the Penal Code. Donovan-----	56		
40	An Act to amend an Act entitled an Act regulating the sale of mineral lands belonging to this State, approved March twenty-eighth, eighteen hundred and seventy-four. O'Connor-----	56	144	193
41	An Act authorizing the adjudication of certain claims against the State. O'Connor-----	56		
42	An Act to amend section fifty-eight of the Code of Civil Procedure. Graves-----	56	86	131
43	An Act to add additional sections to the Political Code, relative to the sale of public lands. McGarvey-----	56	143	325
44	An Act for the relief J. J. Conlin. Howe-----	56	292	496
45	An Act recommending to the electors of the State to vote for or against a convention to revise and change the Constitution of the State. Farley-----	56	591	599
46	An Act to appropriate money to pay the claim of James J. Green. Edgerton-----	56	103	
47	An Act to amend section one thousand five hundred and ninety of the Penal Code. Edgerton-----	56		
48	An Act to amend section one thousand one hundred and one of the Penal Code. Haymond-----	56		
49	An Act to amend the Political Code of the State of California, and other Acts concerning military affairs. Laine-----	56		
50	An Act to appropriate money to pay the claim of Drury Melone. McCune-----	56	103	
51	An Act to provide for the completion of the building in the City and County of San Francisco, known as the City Hall. Bartlett-----	61		
52	An Act making an appropriation to aid exhibitors from the State of California, at the Centennial, to be held at Philadelphia in July, eighteen hundred and seventy-six. Evans-----	61	538	

Number.....	TITLE.	Introduced	Passed Senate.	Passed Assembly.
53	An Act to provide for the redemption of certain bonds of the County of Solano. Hilborn.....	61	112	154
54	An Act to regulate proceedings for the collection of taxes and to prevent oppressive costs. Pierson.....	61	323	412
55	An Act to amend sections seven hundred and fifty-one and seven hundred and fifty-six of the Political Code, in regard to deputies of Clerk of Supreme Court. Pierson.....	61	86	131
56	An Act to confer additional powers upon the Board of Supervisors of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board. Nunan .....	61	203	283
57	An Act to confer further powers upon the Board of Supervisors of San Francisco, and upon the Auditor and Treasurer thereof. Howe....	61	328	454
58	Proposed amendments to the Constitution of the State of California. McCoppin .....	62		
59	An Act to reenact section one thousand one hundred and sixty-one of the Political Code. Fraser.....	63		
60	An Act to amend certain sections of the Political Code, regarding the collection of taxes. Howe.....	63		
61	Proposed amendments to the Constitution. Tuttle.....	66		
62	An Act to amend certain sections of the Political Code, to repeal certain sections of said Code, and to add a new section thereto, all relating to salaries. Tuttle.....	66		
63	An Act to establish a State Reformatory. Tuttle.....	66		
64	An Act to authorize the Board of Trustees of Mission School District, San Luis Obispo County, to borrow money for certain purposes, and provide for the payment of the same. Graves.....	66	344	499
65	An Act to amend sections three hundred and forty and one thousand two hundred and ninety of the Code of Civil Procedure. Graves..	66	117	160
66	An Act to create a library for the State University, and to provide a fund therefor. Pierson.....	66		
67	An Act to amend sections two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, two thousand four hundred and sixty-eight, and two thousand four hundred and sixty-nine of the Civil Code. Pierson.....	66	162	
68	An Act to amend section two hundred and twenty-six of the Civil Code. Pierson.....	66	156	209
69	An Act to amend section twenty of the Penal Code. Gibbons.....	66		
70	An Act to amend section twenty-one of the Civil Code. Gibbons...	67		
71	An Act to amend section nineteen of the Code of Civil Procedure. Gibbons .....	67		
72	An Act to amend section twenty of the Political Code. Gibbons..	67		
73	An Act to amend section four thousand one hundred and twenty-two of the Political Code. Lindsey.....	67		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
74	An Act relating to salaries of certain officers of Tuolumne County. Eakin	67	129	197
75	An Act to amend an Act entitled an Act in relation to certain streets in the Town of Alameda, passed March thirtieth, eighteen hundred and seventy-four. Gibbons	67	192	279
76	An Act to amend an Act entitled an Act to establish a Penal Code, by adding a new section, to be designated as section three hundred and eight. Edgerton	67		
77	An Act to repeal section eight hundred and sixty-nine and amend section eight hundred and seventy of the Penal Code. Laine	67		
78	An Act to amend section fifty of the Code of Civil Procedure. Haymond	69		
79	An Act to amend section seven hundred and eighty-three of the Penal Code. Haymond	69	111	154
80	An Act to provide a system of irrigation. Haymond	69		
81	An Act to regulate salaries and to fix the compensation of certain officers in the County of Contra Costa. Shirley	69	111	253
82	An Act to provide for the payment of the claim of John Breuner. Edgerton	69	324	628
83	An Act to amend section four hundred and eighty-seven of the Penal Code, relating to crimes and punishments. McGarvey	69		
84	An Act to add another section to the Civil Code, relating to corporations. McGarvey	69	143	167
85	An Act to amend section five hundred and eighty-four of the Penal Code, relating to crimes and punishments. McGarvey	69	143	167
86	An Act to fix the compensation of the County Judge of Placer County. Martin	69		
87	An Act to provide for the assessment of incumbered real estate. Evans	69		
88	Proposed amendments to the Constitution of the State of California. Turner	69		
89	An Act to abolish the State Board of Tide Land Commissioners, and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code. Laine	69	120	160
90	An Act to repeal certain sections of the Political Code, relating to public schools. Tuttle	70	156	596
91	An Act to repeal sections three hundred and sixty-three and seven hundred and two of the Political Code. Laine	70	70	107
92	An Act to amend section three hundred and thirty of the Penal Code. Laine	70		
93	An Act to repeal [amend] certain sections of the Political Code, relating to public schools. Tuttle	70	156	595
94	An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, in relation to the sale of lands for taxes. McGarvey	69	111	243



Number.....	TITLE.	Introduced	Passed Senate	Passed Assembly
95	An Act to amend section seven hundred and ninety-eight of the Political Code, relating to Notaries' fees. Lindsey.....	73	156	
96	An Act to amend section one thousand and seventy of the Penal Code, relating to peremptory challenges. Lindsey.....	73		
97	An Act to amend section three thousand nine hundred and eighty-five of the Political Code, relating to the removal of county seats. O'Connor.....	73	143	205
98	An Act to amend section three thousand seven hundred and eighty-five of the Political Code of the State of California. O'Connor....	73	191	234
99	An Act granting relief to delinquent tax-payers whose lands have been sold to the State. Hendricks.....	73	305	555
100	An Act to regulate the fees of office and to fix the compensation of certain officers in the County of Contra Costa. Shirley.....	73	111	253
101	An Act to enable John Hoagland and others to sue the City of Sacramento. McCune.....	73	178	397
102	An Act to amend section one thousand and ninety-seven of the Political Code of the State of California, in relation to the registration of voters. Tinnin.....	73		
103	An Act to authorize the City and County of San Francisco to provide and maintain public water works, and to condemn and purchase private property for that purpose. Rogers.....	73	431	496
104	An Act to amend section fifty-nine of the Civil Code of the State of California. Pierson.....	73	286	412
105	An Act to amend section three thousand seven hundred and fifty-six of the Political Code. Haymond.....	74	74	107
106	An Act to authorize the Board of Supervisors of Sacramento County to acquire certain toll bridges, or to construct free bridges in place thereof. Haymond.....	73		
107	An Act for the protection of quail in the Counties of San Francisco, San Mateo, Contra Costa, Alameda, and Marin. Rogers.....	74		
108	An Act to establish and maintain a training-ship in the City and County of San Francisco. Roach.....	74	157	234
109	An Act to authorize the widening of Dupont Street, in the City and County of San Francisco. Roach.....	74	294	469
110	An Act to amend an Act entitled an Act to establish the county line between the Counties of Fresno and Tulare, approved March twenty-seventh, eighteen hundred and seventy-four. Lindsey...	79		
111	An Act proposing amendments to the Constitution of the State of California. Shirley.....	79		
112	An Act to prescribe the manner of furnishing text-books for the public schools of this State. Turner (for Tuttle).....	79		
113	An Act to amend an Act, approved March twenty-seventh, eighteen hundred and seventy-four, relative to fees of witnesses in certain counties named therein. Fraser.....	79		
1	An Act to open and establish a public street in the City and County of San Francisco, to be called Western Avenue, and to take private lands therefor. Craig.....	79		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
115	An Act to confer certain powers upon corporations organized for the purpose of preventing and discovering fires and of saving property and human life from conflagration. McCarthy-----	79	141	586
116	An Act to exempt active and exempt firemen from jury duty, military duty, and the payment of poll-tax, in the County of San Joaquin. Evans-----	79		
117	An Act to amend section seven hundred and sixty-six of the Political Code. Craig-----	79		
118	An Act to supply free text-books to the pupils of the common schools of this State, and to abolish the Board of Regents of the State University and the present State Board of Education, and to create in lieu thereof a new State Board of Education. Donovan-----	81		
119	An Act to further amend section three thousand three hundred and eighty-two of the Political Code. Donovan-----	81		
120	An Act to amend an Act entitled an Act to provide for the location and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four. Lindsey-----	84	121	167
121	An Act entitled an Act to incorporate the Town of Ukiah City, in the County of Mendocino. McGarvey-----	84	218	263
122	An Act supplementary to and amendatory of an Act approved March thirtieth, eighteen hundred and seventy-four, entitled an Act supplementary to and amendatory of an Act entitled an Act to convey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March third, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy. Roach-----	84		
123	An Act to amend section one thousand two hundred and forty-three of the Civil Code. Roach-----	84		
124	An Act to amend sections four hundred and fifty-nine, four hundred and sixty, and four hundred and sixty-one, and to repeal section four hundred and sixty-two of the Penal Code. Haymond-----	84	162	209
125	An Act to add three sections to the Political Code, to be known as sections four hundred and four, four hundred and five, and four hundred and six. Haymond-----	84	366	628
126	An Act making the County Recorder of Solano County ex officio Auditor of said county, and fixing his compensation. Hilborn-----	84	112	154
127	An Act to amend sections ninety-two, one hundred and twenty-four, one hundred and forty-six, one hundred and forty-seven, and to repeal sections ninety-four to one hundred and seven, inclusive, and sections one hundred and eighteen, one hundred and nineteen, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, and one hundred and forty-four of the Civil Code, in relation to divorces. Pierson-----	84	524	
128	An Act to amend section nine hundred and forty-six of the Code of Civil Procedure. Pierson-----	84	173	
129	An Act to amend section one thousand two hundred and forty-three of the Civil Code, in relation to homesteads. Pierson-----	85		
130	An Act to appropriate money to pay the claim of John L. Love. Pierson-----	85	103	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
131	An Act to provide for the completion of the new City Hall in the City and County of San Francisco. McCoppin-----	85		
132	An Act to amend section one thousand two hundred and forty-three of the Civil Code. Shirley-----	85		
133	An Act to amend section one thousand seven hundred and ninety-two of the Political Code. Turner-----	85		
134	An Act to provide for the appointment of a Commissioner of Transportation, and to prevent extortion and discrimination in fares and freights on railroads within this State. O'Connor-----	85	476	515
135	An Act to amend an Act entitled an Act to abate the squirrel nuisance in certain counties of the State, approved March tenth, eighteen hundred and seventy-four. Shirley-----	88	274	412
136	An Act to fully carry out the provisions contained in section three thousand seven hundred and fifty-one of the Political Code. Bush-----	88		
137	An Act concerning mutual insurance companies. Laine-----	88		
138	An Act entitled an Act to add a new section to Chapter XIII. of Title XI. of the Code of Civil Procedure of California, in regard to Public Administrators. O'Connor-----	88		
139	An Act to amend section one thousand eight hundred and fifty-eight of the Political Code, relating to public schools. Lindsey-----	100		
140	An Act to separate the offices of County Auditor from County Recorder, and to regulate the salaries of certain officers in the Counties of Fresno, Tulare, and Kern. Lindsey-----	100	129	325
141	An Act to amend sections one thousand five hundred and forty-three and one thousand five hundred and seventy-eight of the Political Code, relating to public schools. Lindsey-----	100		
142	An Act to provide for the construction and support of an academy in Tehama County. Lewis-----	100		
143	An Act to regulate contracts on behalf of the State in relation to erections and buildings. O'Connor-----	100	417	448
144	An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles. McGarvey-----	101	355	
145	An Act to amend sections two thousand nine hundred and fifty, two thousand nine hundred and fifty-two, and two thousand nine hundred and sixty-eight of the Political Code, and to add a new section thereto, to be numbered two thousand nine hundred and fifty-five. Graves-----	101	347	509
146	An Act to amend section four hundred and ninety-seven of the Civil Code, in relation to street railroads. Howe-----	101	203	296
147	An Act to amend section nine hundred and fifty-four of the Penal Code. Pierson-----	101		
148	An Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two. Tuttle.	101	134	205
149	An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of			

Number-----	TITLE.	Introduced.	Passed Senate.	Passed Assembly.
	Education of the City of Petaluma, approved January sixth, eighteen hundred and seventy-two. Tuttle .....	101	121	283
150	An Act supplementary to Article II., Chapter X., Title XI., Part III. of the Code of Civil Procedure. McCoppin.....	101		
151	An Act to amend the Code of Civil Procedure. McCoppin....	101	399	628
152	An Act to amend the Penal Code. McCoppin .....	101		
153	An Act to amend an Act entitled an Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two. McCoppin.....	101		
154	An Act to establish a uniform policy of fire insurance in this State. Laine .....	101		
155	An Act to amend sections two hundred and sixty-five and two hundred and sixty-six of the Code of Civil Procedure. Haymond.....	101		
156	Proposed amendments to the Constitution. Haymond.....	102	529	587
157	An Act to amend section three thousand five hundred and seventy-four of the Political Code, concerning the fees of the State Land Office. Laine .....	102	156	218
158	An Act to confer the elective franchise on the male descendants of whites and Indians born in the United States. Tinnin.....	109		
159	An Act to amend section one thousand two hundred and seventy-three of the Penal Code. McGarvey.....	109	173	234
160	An Act to amend section eight hundred and thirty-two of the Code of Civil Procedure. McGarvey.....	109	229	
161	An Act to repeal sections three thousand three hundred and seventy-six, three thousand three hundred and seventy-nine, three thousand three hundred and eighty, three thousand three hundred and eighty-two, three thousand three hundred and eighty-three, three thousand three hundred and eighty-four, three thousand three hundred and eighty-five, and three thousand three hundred and eighty-six of the Political Code. Haymond.....	109		
162	An Act to amend sections three hundred and fifty-two, three thousand seven hundred, and three thousand seven hundred and one of the Political Code. Haymond.....	109		
163	An Act to amend section four thousand three hundred and thirty-two of the Political Code, in relation to Sheriffs' fees. Haymond.....	109	173	
164	An Act to add a new section to the Code of Civil Procedure, and repeal certain sections of the Civil Code. Haymond.....	109	173	
165	An Act to amend section five hundred and forty-two of the Code of Civil Procedure, relating to the manner of attaching real property. Haymond .....	109		
166	An Act to amend section five hundred and fifty-nine of the Code of Civil Procedure, relating to the release of attachments on real property. Haymond .....	109	173	234
167	An Act to amend section seven hundred and thirty-eight of the Code of Civil Procedure. Haymond.....	109		



Number.....	TITLE	Introduced	Passed Senate	Passed Assembly
168	An Act to amend section four of an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in Sacramento County, approved March twenty-third, eighteen hundred and seventy-two. Haymond.....	110		
169	An Act to establish water rates in the City and County of San Francisco. Roach.....	112	218	282
170	An Act to appropriate twenty per cent. held back by the State from the contractor of the Folsom prison to the payment of equitable claims for moneys and supplies furnished and for work and labor done at said prison. Haymond.....	112		
171	An Act to amend sections two hundred and eleven and two hundred and thirteen of the Penal Code. Haymond.....	113		
172	An Act to amend section four hundred and ninety-one of the Penal Code. Fraser.....	113		
173	An Act to amend certain sections of the Political Code, relating to the school law. Lewis.....	114	162	209
174	An Act to amend section one thousand three hundred and twenty-nine of the Penal Code, relating to the pay of witnesses. Lindsey.....	114		
175	An Act to amend section three thousand seven hundred and ninety-nine of the Political Code, and to exempt the City and County of San Francisco from the provisions of sections three thousand eight hundred and two, three thousand eight hundred and three, and three thousand eight hundred and eighty-one of the Political Code. McCoppin.....	115		
176	An Act in relation to certain taxes on debts or moneys secured by mortgage on real property. Pierson.....	115		
177	An Act to regulate Sheriffs' fees in certain counties in this State. Pierson.....	115	183	
178	An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two. Haymond.....	115	191	447
179	An Act concerning streets in the City of Sacramento. Haymond.....	115		
180	An Act to amend section eight hundred and one of the Code of Civil Procedure. Shirley.....	115	612	629
181	An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure, concerning unlawful holding over. Laine.....	115	174	233
182	An Act to amend an Act entitled an Act to provide for the restoration and preservation of fish in the waters of this State, approved April second, eighteen hundred and seventy. Nunan.....	116		
183	An Act to amend an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two. Lindsey.....	119	129	218
184	An Act to amend the Political Code. Gibbons.....	119		
185	An Act to amend the Civil Code. Gibbons.....	119	277	411

Number	TITLE	Introduced	Passed Senate	Passed Assembly
186	An Act in relation to the sales and conveyances of the Mutual Real Estate Company. Pierson-----	119	256	454
187	An Act to amend sections three thousand seven hundred and fifty-eight and three thousand seven hundred and sixty-four of the Political Code. Roach-----	119	125	131
188	An Act entitled an Act to amend section one thousand one hundred and thirteen of the Political Code. Eakin-----	119		
189	An Act to amend section six hundred and twenty-seven of the Penal Code. Turner-----	119	156	
190	An Act to further define the duties of the short-hand reporter of the County Court of the County of San Joaquin. Evans-----	119	143	167
191	An Act to empower the City Council of Stockton to adopt measures to protect said city from inundation, and for the taking of private property for public use. Evans-----	119	144	167
192	An Act to regulate the practice of medicine in the State of California. Graves-----	119		
193	An Act proposing certain amendments to the Constitution of the State of California. Shirley-----	124		
194	An Act to enable the Board of Trustees of Snelling School District, in the County of Merced, to provide for the payment of the building debt in said school district. Montgomery-----	124	562	570
195	An Act to amend section eighty-eight of the Code of Civil Procedure, relating to the terms of the County Court in the County of Merced. Montgomery-----	124	331	371
196	An Act to provide for the payment of outstanding claims for the support of public schools in Mendocino County. McGarvey-----	124	192	253
197	An Act to amend an Act entitled an Act to incorporate the City of Visalia, and provide for public schools therein, approved February twenty-seventh, eighteen hundred and seventy-four. Lindsey-----	124	256	325
198	An Act entitled an Act to amend section one thousand seven hundred and thirty-seven of the Code of Civil Procedure of California. O'Connor-----	124		
199	An Act to authorize the construction of a wagon road in San Bernardino County. Satterwhite-----	124		
200	An Act for the relief of Wm. J. Richardson. McCarthy-----	132		
201	An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, eighteen hundred and seventy-four. McCune-----	132	193	234
202	An Act to amend section four thousand one hundred and twenty of the Political Code. Tinnin-----	132	175	218
203	An Act to authorize and direct the County Treasurer of Tulare County to pay certain orders drawn on him by the Road Commissioner of said county. Lindsey-----	132	203	234
204	An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure. Shirley-----	134	192	423

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
205	An Act to amend section two hundred and sixty-eight of the Political Code. Tinnin-----	134	208	
206	An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the management and sale of lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight, approved April fourth, eighteen hundred and seventy. McGarvey-----	134	206	
207	An Act to amend sections three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, and three thousand seven hundred and ninety of the Political Code. Pier-son-----	134	134	136
208	An Act to amend section one thousand two hundred and fifty-four of the Code of Civil Procedure. Laine-----	135		
209	An Act amendatory of and supplementary to an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, ap- proved February fourth, eighteen hundred and seventy-four. Graves-----	136		
210	An Act to amend sections five hundred and sixty-four, five hundred and sixty-six, and five hundred and sixty-seven of the Political Code, relating to the Sealers of Weights and Measures. Lindsey..	139		
211	An Act to repeal an Act entitled an Act to regulate the distribution of the Police Fund of the City and County of San Francisco, ap- proved April first, eighteen hundred and seventy. Howe-----	139		
212	An Act to regulate fees in the County of Alameda. Beazell.	139	242	326
213	An Act supplemental to an Act entitled an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco. McCoppin-----	140	185	272
214	An Act to add a new section to the Penal Code, to be numbered sec- tion two hundred and fourteen. Hendricks-----	140		
215	An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two. Tuttle-----	140	213	297
216	An Act to establish and define the powers and duties of the Board of Education of Grass Valley School District, in the County of Ne- vada, the said district including the Town of Grass Valley. O'Con- nor-----	140	292	351
217	An Act to add a new section to the Civil Code, relating to corpora- tions. Turner-----	140	364	596
218	An Act to pay the claim of D. H. Norris, for injuries sustained in the service of the State. Haymond-----	140		
219	An Act for the relief of John Jackson, ex-Sheriff, and ex officio Tax Collector of Trinity County. Tinnin-----	140	204	257
220	An Act to add a new section to the Penal Code, in relation to false weights and measures. Roach-----	143	174	234
221	An Act to revise the road laws of Merced County, and to create the office of Road Commissioner. Montgomery-----	143	561	570

Number	TITLE	Introduced	Passed Senate	Passed Assembly
222	An Act to amend section seven hundred and two of the Code of Civil Procedure. Roach-----	145	202	234
223	An Act to provide for refunding the debt of the County of Tehama, funded under an Act approved March thirtieth, eighteen hundred and sixty-four. Lewis-----	146	203	253
224	An Act to amend section four hundred and eight of the Code of Civil Procedure. Evans-----	146	192	234
225	An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board. McCarthy-----	147	327	433
226	An Act to make applicable to the County of Tulare the Act entitled an Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, and Siskiyou Counties from the payment of poll-tax, approved March twenty-seventh, eighteen hundred and seventy-four. Lindsey-----	147		
227	An Act to amend section one thousand four hundred and one of the Civil Code. Edgerton-----	151		
228	An Act to amend section two hundred and forty-nine of the Penal Code. Lewis-----	151	191	
229	An Act to extend the time in which Swamp Land District Number One Hundred and Twenty-five shall complete its work of reclamation. Lindsey-----	154	214	253
230	An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto. Hilborn-----	155		
231	An Act to amend an Act entitled an Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Red Bluff, approved February twenty-first, eighteen hundred and sixty. Lewis-----	155	175	297
232	An Act for the relief of James W. Marshall. Fraser-----	155		
233	An Act entitled an Act to create a uniform system of irrigation for the State of California. O'Connor-----	155		
234	An Act to provide for the recovery of double taxation on the outside lands of the City and County of San Francisco. Donovan-----	155	492	614
235	An Act to amend an Act entitled an Act to authorize Chico School District to issue bonds for building purposes, approved March twenty-seventh, eighteen hundred and seventy-four. Hendricks--	155	206	242
236	An Act to prevent the adulteration of food, drink, and drugs. Bush-----	155		
237	An Act to pay the claim of E. G. Jefferis and John Timmins. Evans-----	155		
238	An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two. Laine-----	155	174	
239	An Act to authorize the Board of Education of Vallejo Township, in the County of Solano, to borrow money for school purposes. Hilborn-----	157	203	242
240	An Act to amend an Act entitled an Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain			



Number	TITLE	Introduced	Passed Senate	Passed Assembly
	fees in office, approved March thirtieth, eighteen hundred and seventy-four. Lewis	161	292	351
241	An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society, in the Township of Oakland, County of Alameda. Beazell	161	181	234
242	An Act to amend section one hundred and seventeen of the Code of Civil Procedure. Tinnin	161	277	385
243	An Act to add additional sections to the Political Code, approved March twelfth, eighteen hundred and seventy-two. Committee on Retrenchment and Reform	161	224	
244	An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, additional powers. Evans	161	292	570
245	An Act to repeal an Act to exempt firemen in Nevada, Placer, El Dorado, Santa Clara, Solano, Sonoma, and Siskiyou Counties from the payment of poll-tax, approved March twenty-seventh, eighteen hundred and seventy-four. Evans	161	278	411
246	An Act to amend certain sections of the Political Code, relating to swamp and overflowed lands. Haymond	161		
247	An Act to legalize the acts of the Board of Education of Placerville School District, and to provide for maintaining schools therein. Fraser	161	200	234
248	An Act to provide for a Keeper of the Capitol and Capitol Grounds. Committee on Retrenchment and Reform	161	285	375
249	An Act concerning St. Luke's Hospital. Bartlett	168	285	326
250	An Act to provide for the construction and support of an academy in Tehama County. Lewis	168	206	266
251	An Act to amend section two thousand and twenty-one of the Code of Civil Procedure. Pierson	168	285	412
252	An Act to amend section one thousand and fifty-five of the Political Code. Tinnin	168	291	412
253	An Act to enable S. D. Smith to bring suit against the State of California. Haymond	168		
254	An Act to enable Point Pleasant School District, of Sacramento County, to pay its school teacher. Haymond	168	214	272
255	An Act to amend the Political Code of the State of California, and to add a new section thereto, concerning a State Board of Equalization. Laine	168		
256	An Act to protect sea-gulls in the neighborhood of Santa Monica. Bush	169	205	412
257	An Act to amend section six hundred and sixty-five of the Code of Civil Procedure. Lewis	168		
258	An Act to amend sections one thousand and sixty-eight, one thousand and seventy-one, one thousand and seventy-two, and one thousand and seventy-four of the Code of Civil Procedure. Lewis	168		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
260	An Act to amend an Act entitled an Act to revise an Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two, approved February fifth, eighteen hundred and seventy-four. Beazell-----	171		
261	An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, approved January eighth, eighteen hundred and seventy-two. Hendricks-----	171	177	189
262	An Act for the relief of Ira McMinds. Beazell-----	171		
263	An Act to provide accommodation for the insane of the State of California who may be able to pay therefor, and to provide a special fund for that purpose. Lewis-----	171		
264	An Act to aid the establishment of a law library in the Town of San Bernardino. Satterwhite-----	171		
265	An Act to amend section four thousand one hundred and nine of the Political Code, and to reduce salaries and fees in office. Haymond-----	171		
266	An Act to provide for the improvement of the streets of the City of Sacramento. Haymond-----	171	233	339
267	An Act to enable the Board of Trustees of the City of Sacramento to pay certain indebtedness contracted for street repairs in said city. Haymond-----	171	183	234
268	An Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano. Hilborn-----	175	175	181
269	An Act to authorize the electors of the County of Tehama to vote on the question of continuing in force an Act of the Legislature commonly known as the "stock law." Lewis-----	178	180	189
270	An Act to add an additional section to the Penal Code, to be designated as section two hundred and fifty-eight. Pierson-----	181	407	
271	An Act to amend an Act entitled an Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta, approved March eighteenth, eighteen hundred and seventy-four. Tinnin-----	181	200	290
272	An Act to provide for a deficiency in the appropriation for the support of the State Normal School for the twenty-sixth and twenty-seventh fiscal years. Angney-----	181		
273	An Act to establish a State detective force for the better enforcement of the laws. Beazell-----	182		
274	An Act to reincorporate the City and County of San Francisco. Roach-----	181		
275	An Act to amend section one hundred and seventy-two of the Penal Code, being a substitute for Senate Bill No. 76. Edgerton-----	183	302	412
276	An Act to compel the retraction of false or defamatory articles in newspaper or serial publications. Pierson-----	189	407	
277	An Act to amend section one thousand eight hundred and nineteen of the Code of Civil Procedure. Pierson-----	189	331	432
278	An Act to amend certain sections of the Political Code, concerning the salaries of judicial officers and officers connected with the Supreme Court. Laine (for Retrenchment Committee)-----	190	373	

Number-----	TITLE	Introduced	Passed Senate	Passed Assembly
279	An Act to confirm the sales of certain lands made by the Commissioners appointed under the Act of the Legislature, approved May eighteenth, eighteen hundred and fifty-three, entitled an Act to provide for the sale of the interest of the State of California in the property within the water-line front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one, and the Act supplementary thereto and amendatory thereof, passed on the first day of May, eighteen hundred and fifty-five, and to release the title of the State to the same. McCoppin-----	189		
280	An Act to repeal sections three thousand seven hundred and forty-eight and three thousand seven hundred and forty-nine of the Political Code, relating to the collection of taxes. Evans-----	190		
281	An Act relating to the collection of delinquent taxes of the State for the twenty-fourth and twenty-fifth fiscal years. Spencer-----	190		
282	An Act to amend sections two hundred and thirteen and one thousand five hundred and forty-seven of the Penal Code. Spencer-----	190		
283	An Act to amend section two thousand two hundred and twenty-one of the Political Code. Donovan-----	190		
284	An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three, in relation to hotel, inn, boarding-house, and lodging-house keepers. Satterwhite-----	199		
285	An Act to amend section two hundred and ninety of the Civil Code, concerning corporations. Lewis-----	198	366	396
286	An Act granting certain privileges to the North Beach and Mission Railroad Company. McCoppin-----	198	309	497
287	An Act relating to the funds of Swamp Land District Number Five. Lindsey-----	198	340	580
288	An Act to district the City of Oakland into wards. Beazell-----	198	273	282
289	An Act to create the Twenty-second Judicial District. McGarvey----	198	373	514
290	An Act to amend sections one hundred and thirty-one and one hundred and thirty-two of the Political Code, relating to judicial districts. McGarvey-----	198	522	539
291	An Act to amend section sixty-four of the Code of Civil Procedure. McGarvey-----	198	522	539
292	An Act to add two more sections to the Civil Code, to be numbered sections five hundred and fifty-two and five hundred and fifty-three. Satterwhite-----	199	336	581
293	An Act to enable the County of San Bernardino to incur a debt for public improvements. Satterwhite-----	199		
294	An Act to add a new section to the Political Code. Gibbons-----	199	407	614
295	An Act to amend sections three thousand six hundred and seventy-nine and three thousand eight hundred and eighty-seven, and to repeal section three thousand six hundred and seventy-eight of the Political Code of the State of California. McGarvey-----	199		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
296	An Act to repeal sections three thousand eight hundred and twenty, three thousand eight hundred and twenty-one, three thousand eight hundred and twenty-two, three thousand eight hundred and twenty-three, three thousand eight hundred and twenty-four, three thousand eight hundred and twenty-five, three thousand eight hundred and twenty-six, three thousand eight hundred and twenty-seven, three thousand eight hundred and twenty-eight, three thousand eight hundred and twenty-nine, and three thousand eight hundred and thirty of the Political Code of the State of California. McGarvey-----	199		
297	An Act to repeal an Act entitled an Act in relation to solvent debts other than those secured by mortgage or other liens, approved March twenty-eighth, eighteen hundred and seventy-four. McGarvey-----	199		
298	An Act to amend section six hundred and twenty-seven of the Penal Code. Turner-----	199	207	242
299	An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two. Also, to amend an Act entitled an Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirteenth, eighteen hundred and seventy-four. Hilborn-----	199	214	219
300	An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco. Rogers-----	201	309	497
301	An Act to provide for the redemption of unused and uncanceled stamps of the State of California heretofore sold. Tuttle-----	201	286	569
302	An Act to maintain a House of Correction, and to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof. Nunan-----	201		
303	An Act to make the provisions of the Political Code concerning highways applicable to San Bernardino County. Satterwhite-----	202	210	242
304	An Act to amend section one thousand five hundred and seventy-seven of the Political Code, in relation to the change of boundaries in school districts. O'Connor-----	202	291	435
305	An Act to amend section five hundred and forty-nine of the Civil Code of the State of California. McCoppin-----	202	452	
306	An Act for the relief of R. M. Wilson. Evans-----	202	562	614
307	An Act to amend subdivision five of section six hundred and forty-two of the Political Code. Nunan-----	202		
308	An Act to amend section six hundred and thirty-seven of the Penal Code. Nunan-----	202		
309	An Act to amend section one thousand five hundred of the Code of Civil Procedure. Bartlett-----	204	306	412
310	An Act to amend section eight hundred and forty-three of the Political Code. Farley-----	207	307	412
311	An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint and license public weighers for said city and county. Bartlett-----	207		



Number	TITLE	Introduced	Passed Senate	Passed Assembly
312	An Act concerning corporations and persons engaged in the business of banking. Donovan-----	207	510	569
313	An Act to amend section four hundred and ninety-seven of the Civil Code. Roach-----	207		
314	An Act to protect State moneys. Donovan-----	209		
315	An Act to amend certain sections and to repeal certain sections of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, concerning the salaries of the civil executive officers of the State. Laine (from Committee on Retrenchment)-----	210	302	
316	An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight, and Acts amendatory thereto. Tuttle-----	210	274	375
317	An Act to authorize Isaac E. Davis and others to construct and maintain a wharf at Santa Cruz. Flint-----	213	324	469
318	An Act to provide for the exemption of the Oakland Fire Department from military and jury duty. Gibbons-----	213		
319	An Act to amend the Civil Code. Hilborn-----	213		
320	An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City of San Francisco, passed March twenty-eighth, eighteen hundred and seventy-two. Roach-----	215	492	540
321	An Act to regulate fares and the sale of tickets by street railroad companies in the City and County of San Francisco. Bartlett-----	215		
322	An Act to provide for the widening of Dupont Street, in the City and County of San Francisco. Bartlett-----	216		
323	An Act to amend section five hundred and forty-nine of the Civil Code. Haymond-----	216		
324	An Act to prevent goats running at large in the Town of Folsom, County of Sacramento. Haymond-----	217	303	448
325	An Act to enable the Board of Supervisors of Sacramento County to refund certain moneys. Haymond-----	217	236	496
326	An Act to amend an Act entitled an Act supplementary to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two. Evans-----	217	329	596
327	An Act for the relief of P. McAtee. McCarthy-----	217		
328	An Act for the relief of T. Flynn and B. Burns. McCarthy-----	217		
329	An Act to amend sections six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, six hundred and forty-nine, and nine hundred and fifty-six of the Code of Civil Procedure. Haymond-----	219	308	628
330	An Act for the relief of Thomas McClosky. McCarthy-----	219		
331	An Act to grant further powers to the Trustees of the City of Benicia. Hilborn-----	219	256	289
332	An Act prescribing the maximum rates which may be charged for			

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
	the transportation of passengers and freight on railroads of this State. Lindsey-----	223		
333	An Act to amend section three thousand three hundred and eighty-four of the Political Code. Bartlett-----	223	336	448
334	An Act to repeal Chapter III., Title VII., of the Political Code, relating to births, marriages, and deaths. Martin-----	223	376	
335	An Act for the relief of the widow and family of the late James W. Mandeville, Controller of the State of California. Eakin-----	223	248	279
336	An Act authorizing and directing the County Treasurer of the County of Sacramento to pay certain claims against said county. Edgerton-----	223		
337	An Act for the relief of W. S. Safford. Hendricks-----	223	232	
338	An Act to repeal an Act entitled an Act in relation to the taxation of solvent debts other than those secured by mortgages or other liens, approved March twenty-eighth, eighteen hundred and seventy-four. Hilborn-----	223		
339	An Act to amend section two thousand nine hundred and sixteen of the Political Code of this State, relating to wharves. Graves-----	224	323	448
340	An Act to amend certain sections of the Political Code relative to licenses. Flint-----	224		
341	An Act to amend the Civil Code, concerning the mortgage of growing crops. Laine-----	244	454	
342	An Act to amend sections two thousand two hundred and thirty-eight and two thousand two hundred and fifty-six of the Political Code, relating to the Deaf, Dumb, and Blind Asylum. Angney-----	224		
343	An Act to amend an Act approved February seventeenth, eighteen hundred and seventy-four, entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant. Eakin-----	228	331	358
344	An Act to authorize the City of Oakland to construct main sewers. Gibbons-----	228	325	540
345	An Act to amend the Political Code. Hilborn-----	229		
346	An Act to amend the Civil Code, concerning liens. Laine-----	229		
347	An Act to regulate the rates at which water shall be sold in the City and County of San Francisco. Craig-----	229		
348	An Act to repeal Article IV. of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV. Craig-----	229		
349	An Act to amend section six hundred and twenty-eight of the Penal Code. Haymond-----	237		
350	An Act to amend an Act entitled an Act relating to streets and roads			

Number	TITLE	Introduced	Passed Senate	Passed Assembly
	in the City and County of Sacramento, approved March twenty-seventh, eighteen hundred and seventy-four. Edgerton.....	237	354	412
351	An Act to amend section one thousand three hundred and twenty-nine of the Penal Code. O'Connor.....	238		
352	An Act to incorporate the Town of Hayward. Beazell.....	238	251	351
353	An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three. Tinnin.....	238	347	402
354	An Act for the relief of Patrick Donahue. Howe.....	238		
355	An Act to open and establish a public street in the City and County of San Francisco to be called Seventh Street, to take private lands therefor, and to grade, macadamize, and improve a portion of Seventh Street, and construct a bridge. Donovan.....	238	550	581
356	An Act for the relief of Peter Connolly. Donovan.....	238		
357	An Act to cure certain defects in applications for the purchase of lands, and to confirm land titles. Rogers.....	239		
358	An Act to amend section six hundred and ninety of the Code of Civil Procedure. Donovan.....	239	539	595
359	An Act for the relief of Patrick Creighton. McCarthy.....	239		
360	An Act concerning the salary of the District Attorney of San Bernardino. Satterwhite.....	243	337	454
361	An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two. Tuttle.....	243		
362	An Act entitled an Act to amend section seven hundred and ninety-one of the Political Code, with reference to Notaries Public. Craig.....	243		
363	An Act to provide homes for homeless children in the City and County of San Francisco. Nunan.....	243	493	
364	An Act to empower the Board of Trustees of the City of Sacramento to authorize the Sacramento City Railway Company to lay down and operate its road on and near the west side of Tenth Street, in said city, from R to Y Streets. Haymond.....	243		
365	An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco. Nunan.....	243	376	
366	An Act to amend section one thousand eight hundred and eighty of the Code of Civil Procedure. Edgerton.....	249		
367	A substitute for Senate Bill No. 103—An Act to authorize the City of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose. Craig.....	249		
368	An Act relating to bank deposits. Turner.....	254	560	
369	An Act amendatory of and supplementary to an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four. Graves.....	254	324	432

Number	TITLE	Introduced	Passed Senate	Passed Assembly
370	An Act to amend section one thousand two hundred and forty-one of the Civil Code. Hopkins-----	254	365	
371	An Act to confer upon the Board of Supervisors of the City and County of San Francisco power to approve and ratify the acts and actions of the Board of Public Works of said city and county. Bartlett-----	254	347	
372	An Act to amend section four thousand and seventy-one of the Political Code. Tinnin-----	254	365	596
373	An Act to establish a State force for the detection and arrest of criminals. Spencer-----	254	395	
374	An Act to provide for the payment of certain outstanding road warrants in the County of Sacramento. Edgerton-----	254	355	
375	An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure. Satterwhite-----	254		
376	An Act requiring the County Treasurer of Sacramento County to make certain entries in writing in the Treasurer's register of claims or warrants against the county. Haymond-----	254	319	350
377	An Act authorizing the Treasurer of Butte County to transfer certain funds. Hendricks-----	254	336	448
378	An Act to call in and pay the registered warrants of Butte County. Hendricks-----	254	336	448
379	An Act in relation to the manufacture of acids and explosive chemicals in the City and County of San Francisco, and for other purposes. McCoppin-----	257	274	448
380	An Act to amend sections one thousand one hundred and fifteen and one thousand one hundred and sixteen of the Political Code. Eakin-----	259	348	466
381	An Act to continue and complete the geological survey of California. Graves-----	259		
382	An Act to amend section two hundred and sixty-eight of the Political Code. Fraser-----	259		
383	An Act to incorporate the Town of Livermore, Alameda County. Beazell-----	259	460	546
384	An Act to provide for the collection of delinquent taxes for the twenty-fourth, twenty-fifth, and twenty-sixth fiscal years, in the City and County of San Francisco. Howe-----	259	399	570
385	An Act to provide for the collection of delinquent taxes in the City and County of San Francisco. Howe-----	259	399	570
386	An Act to amend section three thousand seven hundred and seventy-one of the Political Code, in relation to revenue. Satterwhite-----	259		
387	An Act to authorize the County of San Joaquin to issue bonds for the redemption of bonds of said county which become due during the year eighteen hundred and seventy-six, and to provide for the payment of the same. Evans (by request)-----	260	327	371
388	An Act to provide for the redemption of the outstanding railroad bonds of Butte County. Hendricks-----	260	374	497



Number	TITLE.	Introduced	Passed Senate	Passed Assembly
389	An Act to cancel certain applications to purchase lands in this State. Turner.....	260		
390	An Act to repeal section four hundred and fifteen of the Political Code. Turner.....	260	394	
391	An Act to amend the Political Code, and to repeal a certain Act relating to the revenue. Haymond.....	260	399	569
392	An Act to allow the construction of a railroad draw-bridge on Sonoma Creek. Hill.....	263		
393	An Act to confirm certain letters patent of the State of California to W. F. Montgomery and others. Lindsey.....	266		
394	An Act amendatory of and supplementary to an Act entitled an Act to establish a quarantine for the Harbor of San Francisco, and sanitary laws for the City and County of San Francisco, approved April fourth, eighteen hundred and seventy. Howe.....	266	422	434
395	An Act to authorize the formation of corporations sole. Howe.....	266		
396	An Act to incorporate the City of San Luis Obispo. Graves.....	266	329	432
397	An Act to amend an Act establishing a quarantine for the Bay and Harbor of San Francisco, and sanitary laws for the City and County of San Francisco. McCoppin.....	267		
398	An Act to extend the franchise granted to David Girky and others, to build a wharf in Santa Cruz. Flint.....	267	329	412
399	An Act concerning the office of State Geologist, and to repeal certain sections of the Political Code relating thereto. Hendricks.....	267		
400	An Act to authorize the Board of Examiners to contract for portraits of ex-Governors Booth and Pacheco and Governor Irwin. Haymond.....	267		
401	An Act to prevent blackmail as to land titles in the County of Los Angeles. Bush.....	267		
402	An Act providing for the opening, filling, grading, and macadamizing of Fifteenth Avenue extension, in the City and County of San Francisco. McCoppin.....	271	492	568
403	An Act authorizing and providing for appropriations and expenditures of money for certain public purposes in the City and County of San Francisco by the Board of Supervisors thereof. Nunan.....	271		
404	An Act to establish a female department of the County Jail in the City and County of San Francisco. Nunan.....	271		
405	An Act to amend an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two. Farley.....	273	367	448
406	An Act for the relief of Mrs. T. M. Logan. Edgerton.....	273	417	
407	An Act to add a new article to the Political Code. Pierson.....	273		
408	An Act to provide for the appointment of Bailiffs for certain Courts in the City and County of San Francisco. Pierson.....	273		
409	An Act for the relief of Edward Donnelly. Donovan.....	279		
410	An Act for the relief of Richard H. Stretch. Nunan.....	279		

Number-----	TITLE.	Introduced-----	Passed Senate-----	Passed Assembly-----
411	An Act in relation to the deposit of securities by foreign insurance companies. Edgerton-----	279		
412	An Act to provide for the issuance of the bonds of the County of Kern for the payment of the indebtedness of said county. Lindsey-----	280	520	546
413	An Act granting to the Omnibus Railroad Company certain rights therein named. McCoppin-----	283	376	540
414	An Act to repeal section six hundred and thirty-five of the Code of Civil Procedure. Edgerton-----	283	607	631
415	An Act to authorize certain parties to construct a tunnel under Alamo Square for a street railroad in the City and County of San Francisco. McCarthy-----	283		
416	An Act to provide for levying and collecting a tax in Levee District Number Five, Sutter County, and for paying the salaries due the late State Board of Reclamation Fund Commissioners. Fraser-----	283	453	
417	An Act to amend the fifty-ninth section of the Code of Civil Procedure, fixing the terms of Court of the Second Judicial District. Lewis-----	283	283	412
418	An Act to authorize the City of San José to issue bonds to provide sewerage for said city. Angney-----	283		
419	An Act to authorize the Board of Trustees of the Town of Colusa to aid in the construction of a branch railroad. Lewis-----	283		
420	An Act for the relief of J. L. Haskell. Craig-----	284		
421	An Act confirming a water right and mill privilege to certain persons in the County of Ventura. Bush-----	284		
422	An Act for the relief of Philip Cosgrove. Rogers-----	284		
423	An Act to authorize the Police Judge of the City and County of San Francisco to transfer actions to the Justices' Court thereof. Pierson-----	290	505	
424	An Act in relation to the State Burying-ground. Haymond-----	290	496	
425	An Act to amend an Act to create the Eighteenth Judicial District, and for other purposes, approved February twentieth, eighteen hundred and seventy-two. Satterwhite-----	290	328	432
426	An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a new section thereto. Eakin-----	290	615	
427	An Act to amend section six hundred and fifty-three of the Code of Civil Procedure. Haymond-----	290	366	628
428	An Act to add another section to the Penal Code. Haymond-----	290	366	
429	An Act to amend and renumber section one thousand five hundred and fifty-two, added to the Political Code by an Act approved March thirteenth, eighteen hundred and seventy-four, entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California. Laine-----	290	290	385
430	An Act for the relief of George Green and James Smith, of the City and County of San Francisco. Rogers-----	293	438	540

Number.....	TITLE.	Introduced	Passed Senate	Passed Assembly
431	An Act to amend an Act entitled an Act to provide for the building of a school-house in the Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four. Montgomery.....	293	416	
432	An Act to enable the Nevada and Mountain Lakes Ice Company to change its principal place of business from Nevada City, Nevada County, State of California, to the City and County of San Francisco. O'Connor.....	294	395	
433	An Act for the relief of John A. Cameron. McCarthy.....	296		
434	An Act to amend sections three thousand six hundred and twenty-eight, three thousand six hundred and twenty-nine, and three thousand six hundred and thirty of the Political Code. McCune.....	296		
435	An Act to amend an Act entitled an Act to reincorporate the City of Sonoma, approved April tenth, eighteen hundred and sixty-two, and amended March twenty-sixth, eighteen hundred and seventy. Eakin.....	299	299	432
436	An Act to fix the time for holding municipal elections in the City of Oakland. Beazell.....	299	299	306
437	An Act to amend section three thousand six hundred and forty-four of the Political Code. Shirley.....	299	416	
438	An Act to increase the value of land in the City and County of San Francisco, by bringing it into convenient access with a supply of fresh water. Donovan.....	305		
439	An Act to appropriate the sum of eight thousand dollars to make certain repairs on the State Normal School, and to provide furniture therefor. Donovan.....	305	444	483
440	An Act to appropriate the sum of seven thousand dollars for improvement of roads and sidewalks around the Stockton Insane Asylum. Donovan.....	305	394	628
441	An Act to authorize the Police Judge's Court and Municipal Criminal Court of the City and County of San Francisco to commit persons convicted of certain crimes to the House of Correction, and to order the transfer of persons confined in the County Jail of said city and county to said House of Correction. Nunan.....	305	305	
442	An Act to repeal section five hundred and twenty-seven and to amend section five hundred and twenty-eight of the Political Code. Laine.....	305		
443	An Act to provide for the government of the County of San Diego. Satterwhite.....	305	341	514
444	An Act to authorize the San Francisco Street Sprinkling Company to sprinkle certain streets in the City and County of San Francisco. McCarthy.....	307		
445	An Act to confer additional power on the Treasurer of the City and County of San Francisco. Nunan.....	307	376	570
446	An Act to fix the salary of the Assessor of the City of Oakland. Gibbons.....	316	316	350
447	An Act to fix the salary of the Superintendent of Public Schools in the City of Oakland, and to limit the powers of the Board of Education of said city. Gibbons.....	316	316	350

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
448	An Act to authorize the Board of Supervisors of San Bernardino County to levy a tax to pay for the building of the Court-house. Satterwhite	316	339	454
449	An Act to amend section one thousand and ninety-eight of the Political Code, in relation to the enrollment of electors. Satterwhite	316		
450	An Act relative to the publication of amendments to the Codes. Tinnin	316	339	432
451	An Act to amend sections two hundred and forty-five, two hundred and forty-six, two hundred and forty-seven, and two hundred and sixty-eight, and to repeal section two hundred and fifty-eight of the Political Code. Tinnin	316		
452	An Act to amend section one thousand and one of the Political Code. Lewis	316	537	580
453	An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure. Donovan	316		
454	An Act to amend section seventy-five of the Code of Civil Procedure. Donovan	316		
455	An Act to prevent hogs and goats running at large on certain lands in this State. Fraser	316	400	540
456	An Act in relation to the election of county officers in the County of El Dorado. Fraser	317	503	
457	An Act to authorize the County Treasurer of El Dorado County to transfer certain funds. Fraser	317	334	433
458	An Act to protect the rights of conscience in behalf of persons who believe that it is their religious duty to observe the seventh day of the week as the Sabbath. Haymond	317		
459	An Act to provide for the collection of road poll-taxes in the County of Calaveras. Hopkins	317	353	435
460	An Act to revise an Act entitled an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government, approved March twenty-sixth, eighteen hundred and seventy-four. Bush	317	451	540
461	An Act requiring the Board of Trustees of the City of Sacramento to appoint an expert. Haymond	318	339	435
462	An Act in regard to the payment of coupons on Sacramento City Bonds, funded under the Acts of April twenty-fourth, eighteen hundred and fifty-eight, and March twenty-second, eighteen hundred and sixty-four. Haymond	318	416	
463	An Act to provide for the payment of John F. Swift for his services as special counsel for the State in prosecuting certain suits. Hilborn	322		
464	An Act amending the Political Code by adding a new section thereto, to be numbered section four thousand one hundred and ninety-four, in relation to the duties of Sheriffs. Evans	322	511	
465	An Act concerning roads and highways in the County of San Joaquin. Evans	322	354	432
466	An Act to amend an Act entitled an Act to reincorporate the City of			



Number	TITLE	Introduced	Passed Senate	Passed Assembly
	Stockton, approved March twenty-seventh, eighteen hundred and seventy-two. Evans.....	326	492	525
467	An Act to amend section four hundred and seventy of the Civil Code. Pierson.....	336		
468	An Act to amend section one thousand two hundred and forty-eight of the Code of Civil Procedure. Pierson.....	336		
469	An Act to amend section three thousand four hundred and sixty-five of the Political Code. Lewis.....	337	417	631
470	An Act entitled an Act to amend an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private land therefor, approved April first, eighteen hundred and seventy-two, and supplementary thereto. McCarthy.....	337		
471	An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn private property for that purpose. Roach.....	337		
472	An Act to appropriate moneys for the purpose of insuring the State Printing Office. McCoppin.....	337	337	412
473	An Act to widen English Street, in the City of Petaluma, and to take private property therefor. Tuttle.....	342	400	466
474	An Act to authorize the Board of Education of the City and County of San Francisco to sell certain school property, and to provide for the support of the common schools of said city and county. Howe.....	342	502	581
475	An Act to amend Chapter IV. of Title X., Part II., of the Code of Civil Procedure of the State of California, by adding a section thereto. Edgerton.....	344		
476	An Act to add three new sections to the Civil Code, to be numbered sections one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three. Edgerton.....	344	406	570
477	An Act to provide for the completion of the building in the City and County of San Francisco, known as the City Hall. San Francisco Delegation.....	344	442	467
478	An Act to add a new section to the Political Code, to be numbered section four thousand one hundred and fifteen, in relation to municipal incorporations. Graves.....	344		
479	An Act to prohibit the sale of intoxicating liquors within two miles of College City, Colusa County, State of California. Lewis.....	345	492	
480	An Act concerning the office of Collector of Licenses for the City and County of San Francisco. Donovan.....	345	502	614
481	An Act to provide for the irrigation of the Colorado Desert, west of Fort Yuma. Satterwhite.....	345		
482	An Act entitled an Act to amend section one thousand six hundred and twenty-four of the Civil Code. Donovan.....	345		
483	An Act to confirm resolutions numbers three thousand eight hundred and sixty-eight and three thousand nine hundred and ninety-two (new series) of the Board of Supervisors of the City and County of San Francisco. McCarthy.....	346	535	596

Number-----	TITLE.	Introduced	Passed Senate	Passed Assembly
484	An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in the said city, approved April fourth, eighteen hundred and sixty-four. Beazell-----	351	351	433
485	An Act to add a new section to the Civil Code, to be numbered section five hundred and fifty-two. Hilborn-----	351		
486	An Act to aid in the construction of a levee and ditch to protect the grounds of the Insane Asylum at Stockton from overflow and inundation. Evans-----	351	415	
487	An Act to provide for the support of the State Government. Tuttle--	351		
488	An Act to authorize the Board of Trustees of Spring School District, Los Angeles County, to levy an additional tax of fifty cents on the one hundred dollars for building purposes. Bush-----	351		
489	An Act to amend an Act entitled an Act repealing Article IV. of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV., approved April first, eighteen hundred and seventy-two. Donovan-----	354	382	631
490	An Act granting further powers to the Board of Supervisors of the City and County of San Francisco, and to the Auditor and Treasurer thereof. Nunan-----	354	516	614
491	An Act relating to fees and salaries of certain officers in Yuba County. Spencer-----	354	453	515
492	An Act supplementary to an Act approved March thirtieth, eighteen hundred and seventy-four, and entitled an Act to abolish the Board of City Hall Commissioners, and to provide for the continuance of the construction of the City Hall of the City and County of San Francisco. Pierson-----	354	453	568
493	An Act to add an additional section to the Civil Code, concerning corporations, and numbered section three hundred. McGarvey-----	354		
494	An Act to ratify and carry into effect a certain resolution of the Board of Supervisors of the City and County of San Francisco. McCoppin-----	359	376	555
495	An Act relating to acknowledgments of deeds and other instruments in writing affecting real estate, taken before consular agents of the United States prior to July first, eighteen hundred and seventy-four. Bartlett-----	359	400	
496	An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin. Shirley--	359	416	539
497	An Act to amend section one thousand four hundred and sixty-five of the Code of Civil Procedure of this State, relating to homesteads. Graves-----	359		
498	An Act to amend sections two thousand four hundred and thirty-two, two thousand four hundred and thirty-nine, and two thousand four hundred and forty of Article V., Title VI., Chapter I.; also, sections two thousand four hundred and fifty-seven, two thousand			

Number	TITLE	Introduced	Passed Senate	Passed Assembly
	four hundred and fifty-eight, two thousand four hundred and sixty, two thousand four hundred and sixty-four, two thousand four hundred and sixty-five, two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven, and two thousand four hundred and sixty-eight of Article VI., Title VI., Chapter I., of the Political Code. Hopkins-----	359		
499	An Act to authorize the Santa Cruz Lime Company to build a wharf in the County of Santa Cruz. Flint-----	360		
500	An Act in relation to the duties of the County Recorder in and for the County of Napa. Hill-----	360		
501	An Act to transfer certain funds in the State treasury belonging to the State Harbor Commission. Farley-----	360	417	631
502	An Act to regulate the laying of gas and water pipes in the City of Oakland. Gibbons-----	360	362	433
503	An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two. Tuttle.	361	500	
504	An Act to authorize corporations to own and improve the lots and houses in which their business is carried on. McCoppin-----	361	489	569
505	An Act to provide revenue for the support of the government of the State. Angney-----	362	459	
506	An Act to amend sections two thousand one hundred and thirty-seven and two thousand one hundred and forty of the Political Code, relative to the Insane Asylum at Stockton. Evans-----	363	389	
507	An Act to establish a Court of Arbitration of the Chamber of Commerce of San Francisco. Bartlett-----	363		
508	An Act to save from destruction the vineyards of California and to extirpate the phylloxera in said vineyards. Hill-----	363		
509	An Act to authorize the owners of land in Levee District Number Five, Sutter County, to reorganize under the general swamp land laws of the State. Spencer-----	365		
510	An Act to add an additional section to the Code of Civil Procedure, to be designated as section one thousand nine hundred and fifty-two. Pierson-----	366		
511	An Act to amend the Code of Civil Procedure, concerning practice in Justices' Courts. Laine-----	366		
512	An Act relating to buildings, the more effectual prevention of fire, and the better protection of life and property in the City and County of San Francisco. Pierson-----	366		
513	An Act to amend section one thousand seven hundred and fifty of the Code of Civil Procedure. Pierson-----	372		
514	An Act in relation to irrigation. O'Connor-----	372		
515	An Act to amend section two thousand five hundred and twenty-five of the Political Code. Howe-----	372	605	614
516	An Act to protect agriculture in the County of El Dorado. Fraser--	372	380	447
517	An Act to prevent the catching of fish by seines, nets, or weirs, in San Antonio Creek, in the County of Alameda. Gibbons-----	374	385	447

Number-----	TITLE.	Introduced	Passed Senate	Passed Assembly
518	An Act to pay claims for labor and materials used in the construction of the Branch Prison at Folsom. Graves-----	374		
519	An Act to repeal an Act entitled an Act to protect agriculture and to prevent the trespassing of animals in Tehama County. Lewis-----	373	414	540
520	An Act to provide for the appointment of a State Assayer of ores and metals, and to define his duties. Nunan-----	374		
521	An Act to provide for the opening and extending of Leidesdorff Street, in the City and County of San Francisco. Nunan-----	374	450	496
522	An Act providing for the removal of the remains of deceased persons interred in California Street, west of Lyon Street, in the City and County of San Francisco, and for the grading of California Street, between Lyon Street and First Avenue, in said city and county. Craig-----	377	422	581
523	An Act to authorize the Board of Supervisors of Santa Cruz County to arrange with the Santa Cruz Railroad Company to change its railroad so as to pass through the Town of Watsonville. Flint-----	377	518	569
524	An Act to make, open, and establish a public street in the City of Oakland, to be called Fourteenth Avenue, to take private lands therefor, and to construct a main sewer therein. Gibbons-----	381	381	497
525	An Act to provide for the Boys' and Girls' Aid Society of the City of San Francisco. Roach-----	381		
526	An Act to amend sections four hundred and thirty-six, six hundred and sixty, and six hundred and sixty-one of the Political Code. Laine-----	382		
527	An Act to authorize the payment to B. E. Hunt or his assigns for services as teacher in Calistoga School District, Napa County. Hill-----	384	504	555
528	An Act to repeal an Act entitled an Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco, approved March eighteenth, eighteen hundred and seventy-four. Pierson-----	385		
529	An Act supplemental to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and Acts amendatory thereof and supplementary thereto. Pierson-----	386	489	514
530	An Act to incorporate the Town of Martinez, and to provide for the government thereof. Shirley-----	386	505	569
531	An Act to authorize the Board of Supervisors of Napa County to construct a new road to improve the Howell Mountain grade. Hill-----	386		
532	An Act to amend the Code of Civil Procedure. Lewis-----	391	468	
533	An Act ratifying and confirming the action of the Board of Supervisors of Stanislaus County in employing special counsel in certain cases. Montgomery-----	391	396	447
534	An Act to confer additional powers upon County Boards of Examination and City Boards of Education. Hopkins-----	391	545	600
535	An Act allowing John P. Sheldon to sue the Board of State Harbor Commissioners. Nunan-----	391		



Number	TITLE	Introduced	Passed Senate	Passed Assembly
536	An Act to authorize the Board of Supervisors of the City and County of San Francisco to transfer the sum of ten thousand dollars from the General Fund to the Building Fund of said city and county. Roach	391	501	631
537	An Act amending the Political Code by adding a new section, to be known as section two thousand nine hundred and twenty-one. Hilborn	391		
538	An Act to regulate the fees and compensation of the Sheriff of the County of Sacramento. Edgerton	393	393	540
539	An Act to amend sections nine hundred and sixteen, nine hundred and thirty-three, nine hundred and thirty-four, one thousand four hundred and twenty-six, and one thousand four hundred and twenty-seven of the Penal Code. Shirley	393		
540	An Act to authorize the erection and maintenance of a draw-bridge across Petaluma Creek, in the City of Petaluma. Tuttle	398	502	586
541	An Act to amend an Act entitled an Act to separate the office of County Recorder and to regulate official salaries in the Counties of Fresno, Tulare, and Kern, approved March eighth, eighteen hundred and seventy-six. Lindsey	397	397	447
542	An Act to amend section two thousand five hundred and twenty-four of the Political Code of the State of California. Howe	398		
543	An Act to amend an Act entitled an Act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two. Donovan	398		
544	An Act to amend sections five hundred and seventy-eight, five hundred and eighty, and five hundred and eighty-one of the Political Code. Roach	398		
545	An Act to amend an Act entitled an Act repealing Article IV. of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV., approved the first day of April, eighteen hundred and seventy-two. Nunan	398		
546	An Act to confer certain powers upon the Directors of the Deaf, Dumb, and Blind Asylum. Lewis	398	543	555
547	An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said city and county, approved March twenty-eighth, eighteen hundred and sixty-eight. Nunan	400		
548	An Act to provide for the opening of streets in the City of Oakland. Gibbons	405	428	454
549	An Act to regulate the practice of medicine in the State of California. Bush	405	511	570
550	An Act to amend section three thousand seven hundred and ninety-three of the Political Code. Shirley	405		
551	An Act to amend section three thousand eight hundred and twenty of the Political Code. Edgerton	406	489	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
552	An Act to amend section three thousand eight hundred and twenty of the Political Code. Edgerton	406		
553	An Act to add a new section to the Penal Code. Turner	410	560	
554	An Act concerning road poll-tax for Tehama County. Lewis	413	493	
555	An Act to amend section eighteen of an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six. Angney	413	413	448
556	An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two. Tuttle	413		
557	An Act authorizing and directing the Secretary of State to change the size and style of enrolling paper. McCarthy	413	413	
558	An Act to provide for the payment of certain coupons. Haymond	413	413	614
559	An Act to provide for finishing the interior of the State Capitol. Edgerton	413		
560	An Act to provide for the completion of the Branch State Prison. Haymond	416		
561	An Act to extend the time for selling property for delinquent taxes in the County of Alpine. Fraser	416	436	454
563	An Act to amend section two thousand and twenty-five of the Code of Civil Procedure. Edgerton	417	417	
564	An Act to appropriate funds for the relief of the several orphan asylums of the State. Tuttle	418		
565	An Act to authorize the Board of Trustees of the City of Sacramento to levy taxes for city purposes. Haymond	418	418	434
566	An Act supplementary to an Act entitled an Act to enable John Hoagland and others to sue the City of Sacramento, approved March eleventh, eighteen hundred and seventy-six. McCune	420	420	434
567	An Act to authorize the County Clerk of Alameda County to employ two additional deputies. Beazell	422	426	447
568	An Act for the relief of John Parnell, James Byrnes, and Patrick Ryan. Pierson	422	437	496
569	An Act supplemental to an Act entitled an Act to provide for the improvement of public parks in the City of San Francisco, approved April fourth, eighteen hundred and seventy, and to another Act amendatory of and supplemental to the same, approved March thirtieth, eighteen hundred and seventy-two, and also supplemental to an Act entitled an Act concerning certain public reservations of the City and County of San Francisco, approved March eleventh, eighteen hundred and seventy-four. McCoppin	422	506	628
570	An Act to provide for the opening of streets in the Town of Alameda. Gibbons	423	428	454
571	An Act to amend the Political Code of the State of California. Tuttle	428	428	434
572	An Act to amend subdivision one of section two hundred and fifty-nine of the Code of Civil Procedure. Edgerton	429	449	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
573	An Act to provide additional records in the County Clerk's office in the City and County of San Francisco, and to renew certain records therein. McCarthy-----	428		
574	An Act entitled an Act relative to the government of Sacramento. Edgerton-----	428	504	
575	An Act to amend an Act entitled an Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof, approved March eighteenth, eighteen hundred and seventy-four. McCune-----	429	438	525
576	An Act to amend section three hundred and seventeen of the Penal Code, and to add a new section to said Code. Bush-----	429		
577	An Act to amend section two thousand nine hundred and six of the Political Code. Committee on Corporations-----	428		
578	An Act to amend section three hundred and four of the Civil Code. Hopkins-----	429		
579	An Act to amend section five hundred and forty-two of the Code of Civil Procedure. Edgerton-----	431		
580	An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four. Hendricks-----	436	579	599
581	An Act in relation to Swamp Land Districts Numbers Two Hundred and Two, Two Hundred and Four, Two Hundred and Forty-six, and Two Hundred and Forty-seven. Hill-----	436		
582	An Act to provide for partition fences in certain cases. Angney-----	436		
583	An Act amendatory of and supplementary to an Act entitled an Act to establish a State Printing Office, and to create the office of Superintendent of State Printing. Tuttle-----	436		
584	An Act to consolidate the City of Oakland and the Town of Alameda. Gibbons-----	441		
585	An Act to amend an Act entitled an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma. Tuttle-----	441	502	570
586	An Act for the establishment and maintenance of a Branch County Jail in the County of Solano. McCune-----	441	503	525
587	An Act to authorize George K. Porter to sue the State. McCarthy-----	441		
588	An Act to amend section three thousand four hundred and sixty-six of the Political Code. McGarvey-----	441		
589	An Act to enable the City of Stockton to redeem its bonds falling due during the year eighteen hundred and seventy-six. Evans-----	443	456	487
590	An Act to facilitate the construction of a canal for the improvement of Oakland Harbor. Gibbons-----	443	502	570
591	An Act to amend an Act levying a tax for State purposes for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof. Edgerton-----	443		
592	An Act to amend an Act entitled an Act to regulate the fees of office and to fix the compensation of the county officers of the County of Sacramento. Edgerton-----	443	562	

Number	TITLE	Introduced	Passed Senate	Passed Assembly
593	An Act to prevent the violation of the license law, and to punish all persons who shall sell or give away malt, spirituous, or intoxicating liquors without a license. Edgerton-----	446		
594	An Act to amend the revenue law of the State of California, and to add additional sections thereto to provide for a Board of Excise, and delegating power to the Board of Supervisors of the several counties of the State to grant or withhold license to sell vinous, malt, and spirituous liquors. Edgerton-----	446		
595	An Act to prevent the adulteration and drugging of spirituous and malt liquors, wine, cider, and all other articles of drink. Howe--	446		
596	An Act to prevent the depositing of saw-dust in the waters of this State. Hilborn (for Committee on Fish and Fisheries)-----	449		
597	An Act to amend sections six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of the Penal Code. Hilborn (for Committee on Fish and Fisheries)-----	449	449	555
598	An Act supplementary to an Act to authorize the City of Oakland to obtain a supply of water, passed March thirteenth, eighteen hundred and seventy-four. Gibbons-----	451	505	
599	An Act to amend certain sections, repeal certain sections, and to add new sections to the Political Code, relative to the State Printer. Craig-----	451	552	580
600	An Act to provide for the improvement of the navigation of Sonoma Creek. Craig-----	451		
601	An Act to amend an Act entitled an Act to amend an Act entitled an Act to locate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto, approved March thirtieth, eighteen hundred and seventy-two, approved March eleventh, eighteen hundred and seventy-four. Hendricks-----	451	598	
602	An Act to amend section six hundred and twenty-five of the Penal Code. Lindsey-----	452	452	
603	An Act to amend an Act entitled an Act concerning street railroads, approved March twenty-ninth, eighteen hundred and seventy. McCarthy-----	452		
604	An Act to amend certain sections of the Political Code, to repeal certain sections, and to add a new section thereto. Tuttle-----	452	532	
605	An Act for the relief of George H. Eggers and others. Nunan-----	452		
606	An Act entitled an Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a labor school in and for said city and county. Donovan-----	452		
607	An Act to amend section four of an Act entitled an Act repealing Article IV. of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV., approved April first, eighteen hundred and seventy-two. Donovan-----	452		



Number	TITLE	Introduced	Passed Senate	Passed Assembly
608	An Act to amend section five hundred and ninety-nine of the Penal Code. Committee on Fisheries.....	452		
609	An Act to create a Board of State Prison Examiners. Shirley. . .	455		
610	An Act amending an Act entitled an Act concerning corporations, approved April first, eighteen hundred and sixty-four. Gibbons....	455		
611	An Act to pay the claim of George W. Whitlock. Eakin.....	455	566	581
612	An Act to amend section three thousand three hundred and eighty-one of the Political Code. Fraser.....	455		
613	An Act to amend section six hundred and fifty-nine of the Civil Code. Hilborn .....	455		
614	An Act providing for building a railroad along Sixth Street, from Townsend to Tennessee Streets, and to construct a draw-bridge across Channel Street at its intersection with said Sixth Street, in the City and County of San Francisco. Pierson.....	455	608	635
615	An Act concerning the public records in the office of the County Recorder of San Bernardino County. Satterwhite.....	459	504	659
616	An Act defining the Third, Twelfth, and Fifteenth Judicial Districts. Pierson.....	455		
617	An Act to provide for the registry of medical practitioners. Craig..	460		
618	An Act amendatory of and supplementary to an Act to establish water rates in the City and County of San Francisco, approved March first, eighteen hundred and seventy-six. Roach.....	460	536	568
619	An Act to authorize the Board of Supervisors of the City and County of San Francisco to allow and order paid certain claims. Howe..	460	536	
620	An Act to require payment in full on certain lands sold by this State. Lindsey .....	462		
621	An Act to regulate the recording of mining locations in Calaveras County. Hopkins.....	462	608	617
622	An Act supplemental to an Act entitled an Act to protect agriculture in the County of Calaveras, approved March twenty-fourth, eighteen hundred and seventy-four. Hopkins.....	462	504	569
623	An Act to repeal section six hundred and sixty-one of the Civil Code. Hopkins.....	462		
624	An Act concerning Lee School District, in the County of Sacramento. Edgerton .....	465	517	
625	An Act to authorize the compromise of certain litigation concerning a portion of the water-front of the City and County of San Francisco. McCoppin.....	470	511	587
626	An Act for the relief of Henry F. Williams, and to provide for the payment of certain money equitably due said Williams. Howe..	490	578	614
627	An Act to incorporate the Town of Red Bluff, Tehama County, California. Lewis.....	494	494	540
628	An Act amendatory of an Act entitled an Act authorizing the appointment of certain employes of the State Capitol, and fixing			

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
	their compensation, approved March thirtieth, eighteen hundred and seventy-four. O'Connor-----	494	524	569
629	An Act concerning the Burlingame Treaty. Roach-----	496	507	539
630	An Act to provide for the management and sale of the sixteenth and thirty-sixth sections and lands in lieu thereof, being substitute for Senate Bill No. 43. Laine (for Committee on Conference)-----	500	512	569
631	An Act to amend section seven hundred and fifty-eight of the Penal Code. Montgomery-----	510		
632	An Act to fix the terms of the County Court in the County of El Dorado. Fraser-----	509	510	515
633	An Act to repeal section one thousand five hundred and two of the Code of Civil Procedure. Hopkins-----	510		
634	An Act to add a new section to the Code of Civil Procedure. Graves-----	511	559	614
635	An Act to facilitate the transaction of business in the office of the Auditor of the City and County of San Francisco. Donovan-----	510	608	617
636	An Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature at its twentieth session and agreed to by the Legislature at its twenty-first session, to the people at the general election in the year eighteen hundred and seventy-seven, and to provide for carrying said amendments into effect if approved and ratified by the people. Judiciary Committee-----	526	529	587
637	An Act to provide for the drainage of the County of Sacramento. Edgerton-----	534	534	569
638	An Act to authorize certain liberties and to maintain certain restrictions in the County of Sacramento. Edgerton-----	534	534	555
639	An Act to provide for the payment of the funded indebtedness of Mendocino County. McGarvey-----	543	543	569
640	An Act to authorize the County of Sacramento to pay a demand against said county and the State of California, and to obtain a credit for the payment of the State's proportion thereof. Haymond-----	543		
641	An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane for the twenty-seventh fiscal year, ending the thirtieth day of June, eighteen hundred and seventy-six. Howe-----	548	597	628
642	An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof. Roach-----	552	561	568
643	An Act making appropriations for deficiencies in appropriations for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six. Haymond-----	559	585	614
644	An Act to amend section one thousand two hundred and seventy-five of the Civil Code, relative to taking property by will for charitable and other purposes. Haymond-----	559		
645	An Act to repeal section one thousand three hundred and thirteen of the Civil Code. Haymond-----	559		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
646	An Act to authorize James McClatchy to sue the County of Sacramento. Haymond .....	568	568	595
647	An Act to amend an Act entitled an Act to incorporate the City of Gilroy. Angney .....	573	573	587
648	An Act to amend and also to repeal certain sections of the Political Code relating to the State Board of Equalization. Haymond .....	573	573	586
649	An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof. Donovan .....	573	610	631
650	An Act to amend section three hundred and ten of the Civil Code, in relation to the removal of Directors. Craig .....	575		
651	An Act to repeal an Act to protect fish in the Counties of Plumas and Sierra. Turner .....	575	575	595
652	An Act for the relief of John A. Sutter. Roach .....	591	594	
653	An Act to amend section seven hundred and sixty-four of the Code of Civil Procedure. Haymond .....	591	591	599
654	An Act to define certain powers and duties of the Superintendent of Streets and of the Board of Supervisors of the City and County of San Francisco. Roach .....	598		
655	An Act making appropriations for the deficiency in the twenty-sixth and twenty-seventh fiscal years for the University of California. Gibbons .....	603		
656	An Act to appropriate money for the support of the State government. Haymond .....	605	605	
657	An Act to provide for the management and sale of the sixteenth and thirty-sixth sections, and lands in lieu thereof. Turner .....	616	616	
658	An Act to confer additional powers on the Board of Supervisors of San Francisco, and upon the Auditor and Treasurer thereof. Howe .....	617	617	631
659	An Act to appropriate money for the support of the government of the State. Haymond .....	619	619	629
660	An Act to amend section three thousand seven hundred and thirteen of the Political Code. Angney .....	630	630	631

## SENATE CONCURRENT RESOLUTIONS.

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
1	Relative to joint convention to canvass gubernatorial vote.....	10	10	12
2	Relative to improvement of Feather, Sacramento, and San Joaquin Rivers.....	10	204	253
3	Relative to joint committee to consult with Governor and Lieutenant-Governor, as to date of inaugural.....	11	11	14
4	Relative to a committee to wait on the Governor and inform him of the organization of the Legislature.....	11	11	14
5	Relative to appointment of committee to superintend inaugural ceremonies.....	15	15	
6	Fixing time for joint convention to canvass vote for Governor and Lieutenant-Governor.....	16	16	16
7	Relative to modification of treaty with China.....	46	112	160
	Relative to joint convention for inaugural of Governor and Lieutenant-Governor.....	18	18	18
8	Relative to granting use of Senate and Assembly halls for inaugural ball.....	49	49	55
9	Relative to printing Governor's inaugural address.....	49	49	
10	Relative to change of route of the Southern Pacific Railroad.....	49		
11	Relative to prohibiting sale of intoxicating liquors within the State Capitol and grounds.....	62	62	64
12	Relative to granting homesteads to soldiers and sailors, their widows and orphans.....	57		
13	Relative to Atlantic and Pacific Railroad reserve.....	74	267	412
14	Relative to granting pensions to soldiers of the Mexican War.....	77	111	160
15	Relative to final adjournment of the Legislature.....	77		
17	Relative to the Presidio Reservation.....		210	253
18	Relative to investigation of matters in regard to celebrating Centennial.....	116	136	
19	Relative to public lands.....	139	225	240
20	Relative to obtaining cheaper telegraphic facilities for the State of California.....	172	172	253
21	Relative to the death of Hon. J. W. Mandeville.....	217	218	219
22	Relative to an appropriation to erect a light-house and fog-bell on the Straits of Carquinez.....	224	276	326
24	Relative to the adjournment of the Legislature on March thirteenth, eighteen hundred and seventy-six.....	238	238	
25	Concerning Oakland Harbor.....	244	276	326



Number	TITLE	Introduced	Passed Senate	Passed Assembly
26	Relative to authorizing Enrolling Clerk to correct clerical error in numbering the sections of Senate Bill No. 108-----	246	246	257
27	Relative to the death of T. M. Logan-----	251	251	257
28	Relative to transmitting copy of Senate Concurrent Resolution No. 19 to members of Congress, by the Governor-----	255	255	257
29	Relative to asking an appropriation to erect light-house and fog-bell at Santa Monica, Los Angeles County-----	255	327	448
32	Relative to instructing the Enrolling Clerk to correct the engrossed copy of Senate Bill No. 100 before transmitting same to the Governor-----	291	291	
33	Relative to the Secretary of State furnishing copies of laws, as signed by the Governor, to Superintendent of State Printing-----	307	307	326
35	Relative to authorizing Enrolling Clerk to correct error in Senate Bill No. 121-----	308	308	315
36	Relative to the United States Marine Hospital in San Francisco-----	317	354	
37	Relative to enrolling Senate Bill No. 231, and requesting the Governor to return the same for correction-----	340	340	351
38	Relative to the United States Shipping Act of June seventh, eighteen hundred and seventy-two-----	345		
39	Relative to paying funeral expenses of the late J. W. Mandeville-----	464	464	
41	Relative to authorizing the Governor to appoint a commission on a system of revenue laws for the State-----	442		
42	Relative to funeral expenses of the late J. W. Mandeville-----	470	470	
43	Relative to the return to the Senate by the Governor of Senate Bill No. 435-----	470	471	483
45	Relative to correcting Senate Bill No. 434-----	488	488	497
46	Relative to correcting Senate Bill No. 339-----	495	495	509
53	Relative to additional section to Senate Bills Nos. 289 and 290-----	538	538	554
55	Relative to the improvement of the water fund of San Francisco-----	559	559	
57	Relative to the suspension of Joint Rule No. 15-----	572	572	587
59	Relative to Enrolling Clerk correcting Senate Bill No. 549-----	574	574	
60	Relative to furnishing Codes and Geological Survey to Sir Redmond Barry, Victoria, and Hon. Augustus Morris of New South Wales-----	577	577	595
61	Relative to correcting clerical error in Senate Bill No. 355-----	586	586	596
62	Relative to correcting clerical error in Senate Bill No. 383-----	592	592	599
63	Relative to power of the Legislature to appropriate money for institutions not under State control-----	597	597	
65	Relative to renumbering sections of Senate Bill No. 355-----	616	616	617
66	Relative to renumbering sections of Senate Bill No. 134-----	607	607	617



